PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Wednesday 26 August 2020

REVISED EDITION

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The Speaker, **Ms Hickey**, took the Chair at 10 a.m., acknowledged the Traditional People and read Prayers.

QUESTIONS

Child Safety Services - Evidence given at Coronial Inquest

Ms WHITE question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.02 a.m.]

Yesterday at the coronial inquest into the deaths of six infants and one child known to Child Safety, an expert said staff made assessments without access to all the relevant information and little to no referrals were made to support services. The expert said and I quote: 'The really high-risk cases can get lost in the demand.'. He also said: 'The system is becoming stressed and stretched. Mistakes are made.'.

The expert told the court Child Safety Service staff were under constant pressure to close their cases quickly. Why is your department closing cases early and leaving children at risk?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for her question, noting that it refers to a coronial inquest process that is currently underway.

I believe it is important to allow the Coroner to conduct that process thoroughly and fully and for us here to be respectful of that process and all of the contributions that are made and to wait for the Coroner's findings and be ready to respond to them, as we have previously when coroners have made findings.

However, as we have said here before, the death of any child is a terrible tragedy. What we need to remember is that there are six families out there who are going through hell again this week as the circumstances of deaths of children in their care are examined closely and considered through a public inquest process. This is also a very difficult time for a range of service providers, including staff of the Child Saftey Service, who have had interactions with those families. We need to be very sensitive to all of their interests and the interests of the Coroner being able to conduct her inquiry without interference or speculation.

The matters before the Coroner relate to a period between the years 2014 and 2018. It is important for me to put on the record that Children, Youth and Families division of my department has already undertaken a detailed formal review of each of the cases currently being examined to identify and adopt ways to improve our systems and our responses to children and families. Those have been part of the reforms that the redesign of the Child Safety Service that my department has implemented over our terms of government, commencing most importantly with the structural reform of the entry point to the Child Safety system and the referrals to other services which commenced in December 2018.

In relation to the issues around resourcing that were alluded to, I also note that this Government has increased the front line and support staffing of the Child Safety Service by 20 per cent since we formed government -

Ms WHITE - Point of order, Madam Speaker. It does go to standing order 45. I draw the minister's attention to the question which is, why his department is closing cases early, as provided in evidence by an expert witness to the coronial inquest yesterday. I ask him to address that even -

Madam SPEAKER - I do not think that is a point of order, thank you.

Mr JAENSCH - Madam Speaker, I believe the Leader of the Opposition is referring to comments made in a coronial inquest by an expert witness, an inquest which is yet to take submissions from the department. It is referring to a period of time prior to 2018, so I cannot answer her question.

Ms White - When you were minister. You are blaming the previous minister.

Madam SPEAKER - Order.

Mr JAENSCH - I believe it is out place for her to be asking me why my department is closing cases. This is a matter before the Coroner and I do not intend to answer any further questions on this.

Child Safety Services - Serious Events Review Team

Ms WHITE question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.07 a.m.]

The Serious Events Review Team - SERT - was established in 2017 to independently review practice and system improvements of children in youth services when a death or serious incident occurs. Last year it was stated that the SERT had conducted over 17 reviews for matters occurring between 2011 and 2018, and that three new reviews have been initiated from June 2019. At the time, you also stated that five reviews had been provided to the Coroner at the Coroner's request.

How many reviews has SERT initiated since June last year? Have any more SERT reviews been referred to the Coroner since June last year?

ANSWER

Madam Speaker, I thank the member for her question. The Serious Events Review Team and the Serious Events Review Committee that receives the team's reports is an important new development that our Government has introduced. When there is a serious event in the Child Safety system or in families or with children known to our Child Safety system it is important that we are able to very quickly conduct an investigation of all of the circumstances around that for the purposes of system improvement. Those reports are routinely sought by the Coroner when the Coroner chooses to examine a case in more detail.

Since I have been minister, I have been pleased to note that in cases where the Coroner has examined a case, more and more frequently the findings will reflect that the SERT process did, in fact, quickly identify any areas for improvement in policy and practice and that those have routinely been adopted. I trust that that will continue to be the case. It has worked and I am very grateful to the staff and the participants in the SERT process who have done that.

I do not have with me details of the number of cases referred. I will go back to *Hansard* and the detail of the member's question and advise as soon as I am able what information we have.

Job Cuts - Public Sector

Ms O'CONNOR question to PREMIER, Mr GUTWEIN

[10.10 a.m.]

Last week in here, we confirmed the cuts to the Child Safety Service via a message from senior managers to case workers to trim expenditure.

Today, an internal Parks and Wildlife Service newsletter from Parks and Wildlife Deputy Secretary Jason Jacobi to staff says -

> The executive and I are looking closely at all options available to us to trim our cloth, to reduce expenditure, and to leverage stimulus funding wherever we can.

The message to staff confirms a revenue shortfall and plans to minimise expenditure across all aspects of the Parks and Wildlife Service. Can you confirm these cuts to Parks funding?

This, along with the cuts to Child Safety, seems like confirmation that a slash-and-burn program is underway across the public sector. Child Safety, Parks and Wildlife - what is next for the public sector, and particularly in departments that were already close to the bone before COVID-19?

Will you rule out public sector job cuts in a time of pandemic?

ANSWER

Madam Speaker, I thank the member for Clark and Leader of the Greens for that question.

I will be clear about this. On the subject of cuts to the public sector, now is not the time to cut the public sector. I reject, out of hand, the statement you just made, that last week it was confirmed in this place that there were cuts to child protection. That was not confirmed.

Regarding Mr Jacobi's newsletter to staff, I have not seen that. I am pleased that he is focused on stimulus, to be frank, because that tells me it is about investing in our parks and improving our facilities for Tasmanians, and those who will once again come back to Tasmania to visit.

This will be a challenging period for the state. We have been transparent about the budget position, and the fact that we face a circumstance of significant deficits but as I said, this is not the time to cut the public sector. Every job is valuable. Every job in our community will assist our broader economy and importantly, we came into this pandemic from a position of strength. Our balance sheet was the strongest in the country. The point should be made that as at 30 June, we were the only state or territory jurisdiction in the country that still held net cash in investments -

Mr O'Byrne - For how long?

Mr GUTWEIN - I hear the financial wizard on the other side asking, 'For how long?'. The bottom line is that we have put in place record levels of stimulus. In terms of what other states and territories are doing, we are doing more with regard to our percentage of gross state product than anywhere else in the country. We have rolled out a $3.1 billion construction package of support, to get $3.1 billion worth of construction underway in the next two years. We have brought forward our own infrastructure spending to where we now have record levels of just under $2 billion over the next two years.

We know that we have to stimulate our economy, and importantly, regarding the work the public sector does, there are no cuts forecast for the public sector. Right now, every job is valuable in our economy. We need to be sensible and nimble as we move forward. We will need to invest where we can get best value for the dollars we spend. We will rebuild our economy, and we will rebuild Tasmania and it would be useful if we could get a little bit of assistance from the other side every now and again.

COVID-19 - Family and Sexual Violence Support Services

Mr TUCKER question to MINISTER for the PREVENTION of FAMILY VIOLENCE, Mr GUTWEIN

[10.15 a.m.]

Can you please update the House on additional measures the Government has taken to respond to anticipated demand for family and sexual violence services during the COVID-19 pandemic?

ANSWER

Madam Speaker, I thank the member for Lyons for his interest in this very important matter. I want to be clear from the outset that coronavirus does not cause, justify or excuse violence and abusive behaviour. Nothing does. However, we know from all the evidence that isolation, financial insecurity, stress, family disruption and changes in roles and routines arising from COVID-19 may compound or increase the risk, severity and frequency of family violence.

To reduce the spread of COVID-19 in Tasmania, we have had to put in place many restrictions, and people have lost their jobs. There has been disruption, stress and change. That has meant that victims - especially women and children - have been more vulnerable through this period. By March, we announced an initial $2.7 million in funding support. We were the first state to take that step, which has since been supplemented by federal government funding with an additional $1.5 million in 2019-20 as well.

That is why, from the very first case of coronavirus in Tasmania, we have been monitoring and watching the impact, both through our police data, and through consultation with service providers across the state. It is interesting that the number of family violence arguments and incidents reported across the 22 weeks of COVID-19 in Tasmania has remained steady, even though it is unfortunate that it is at this level. Surprisingly, the daily average number of reported family violence incidents through that period is slightly lower than in the previous year. However, we know that, historically, under-reporting of family and sexual violence has been an issue across all states and jurisdictions.

Understanding the prevalence of family and sexual violence in our community is key, and we are moving ahead with standardised reporting and data collection to address this. We have put additional funding into Safe at Home. Our whole-of-government integrated criminal justice responses have resulted in more on-the-ground workers around the state in all areas, including the family violence counselling and support service, the Safe at Home coordination unit, court support and liaison service, legal support and police protection. We have put in extra funding to increase the Rapid Rehousing pool by an additional 20 properties - and so far, eight additional properties have been secured, and a number of households have been assisted into Rapid Rehousing.

Funding has been provided to the Yemaya Women's support service, Engender Equality, Huon domestic violence service, Anglicare and Safe Choices, as well as others, to increase their capacity, along with additional funding to the sexual assault support service at Laurel House. We have established one-off flexible support packages to support victim survivors leaving abusive relationships to access essential items and/or emergency accommodation. As at 31 July, there had been more than 50 applications for this flexible support aproved across the state.

We have also provided additional funding for extra communication materials, including posters and postcards, to help people to understand how to access these services. We are also supporting a program for family violence perpetrators in the Tasmanian prison system, mobile devices to provide telehealth services for children and young people, and safety technology for adults, including safe smart watches, personal safety devices and car spyware checks. We are also developing a suite of professional resources about protective behaviours and personal safety in education settings.

Additional support has been provided for family violence training for children and parenting services, nurses and family violence screening in health settings, as well as for culturally and linguistically diverse women and their families through the migrant resource centres, including providing extra translating materials.

Over the past five years, the Government has invested significantly more than $56 million in family and sexual violence services - and that is on top of the $16 million in direct funding and $24 million in indirect funding that we spend each year to combat family violence. We are now on our second whole-of-government plan, and we have launched a dedicated family and sexual website, Safe from Violence. We now have an Our Watch primary prevention officer in Tasmania on the ground, working in our communities - a national first.

We have strengthened legislation relating to family violence, with a new crime of persistent family violence. We have requested the sentencing advisory council to undertake

research on the enactment of indictable offences of choking, suffocation or non-fatal strangulation.

Everyone in this House understands that there is long way to go before we eliminate family and sexual violence from our communities. As minister, I take the opportunity today to thank all our service providers, within the government and non-government sector, for working with us as we work to tackle this terrible crime. Family and sexual violence is never okay and can never be excused. I am certain everyone in this place joins with me to say that we will do whatever we can to stamp it out.

Wellbeing Vouchers

Ms OGILVIE question to PREMIER, Mr GUTWEIN

[10.20 a.m.]

We heard from the Director of Public Health on Monday that restrictions on social activities will still be in place for another year. I believe Tasmanians understand, but what I am hearing in the community is a deep sense of ennui. There is a malaise in the community and people are feeling flat. What we need to do now is focus on what we can do and not what we cannot do. Let us instil a sense of wellbeing in the community.

Can we look at providing wellbeing services for all Tasmanians to improve their day-to-day lives? The travel vouchers model is sensible but not everyone can travel. Everyone needs pampering every now and again and what better way to do this than working with local small businesses to establish wellbeing vouchers. Will you work with me to deliver action on wellbeing?

ANSWER

Madam Speaker, I thank the member for Clark, Ms Ogilvie, for her question and her interest in this matter. I heard the Director of Public Health make those comments yesterday in terms of dancing and I know that has heightened the level of concern for some people, judging by the number of emails I have received in the period since. Whilst my dancing years have long passed me, I can understand that for young people and those of more advanced age who like to dance as well, it is challenging and would have been challenging to hear that.

I put on the record that one of the key reasons Public Health is so concerned about dancing is because of the close proximity and the fact that people will usually be in a heightened state of physical activity, breathing heavily, so the opportunity for the virus to spread rapidly concerns Public Health and I share that concern.

We have seen what happened in Queensland when people lied and went across the border. Whilst we have strong border controls in place, if on a Saturday night somebody who was symptomatic and infectious was in a group of people dancing, on the Sunday morning those people will have no idea whether they have been infected or not. They might wake up a little sore and sorry for themselves but they will go back to work on the Monday. The way the virus progresses is that by Thursday they will have been back working in the aged care sector, or a hospital, or a shop, and are then symptomatic at that point. We then have multiple points of transmission. That is a major concern for the Director of Public Health.

The member used the word 'malaise'. I would not use that word. I believe there is a cautious optimism in Tasmania at the moment. However, we need to be conscious that not everybody is feeling that cautious optimism, for obvious reasons. We named it up last week, that there is a level of anxiety and, in some cases, people are quite distressed about the thought of opening up our borders at some stage and increasing that level of risk.

We have already invested significantly through the packages we put out in terms of mental health and support. We are considering and looking at whether there is a self-assessment tool that can be developed that will enable Tasmanians, regardless of who they are or where they are, to do a quick health check on themselves.

I know what I found very useful through this. Some members on the other side of the Chamber, and many on my side, especially the Deputy Premier, have contacted me and simply asked, 'Are you okay?'. It has been enormously valuable at times to have that opportunity to have those conversations.

In terms of wellbeing across the state, I know that the Deputy Premier is well engaged in his portfolio and looking at what mechanisms and tools we can utilise to ensure that our community is taken with us, that support is provided where it is needed, and that people can take steps themselves to self-identify and be able to engage. We will allow that process to take its place.

As always with suggestions that are brought forward in this place, we will consider them and if there is merit and we can take those steps, then obviously we will.

COVID-19 - Increased Power Bills

Mr O'BYRNE question to PREMIER, Mr GUTWEIN

[10.26 a.m.]

We have been warning for months, of the looming impact of winter energy bills on already stretched household budgets. Many bills issued in the last quarter were estimated as a result of energy companies deciding it was a health and safety risk for meter readers to attend properties during the early days of COVID-19. That means the bills arriving in people's letterboxes right now include catch-up charges, which are causing severe bill shock. These bills cover the period when people were doing the right thing and staying home. Those with children were supervising home learning, and there was a general increase in people working from home.

Sarah is a single mother of a child with disability and lives in Hobart's northern suburbs. Sarah recently received a power bill totalling $1877, and I quote:

> Aurora underestimated my last bill and now I am shocked how I am going to pay this. I have no idea how it can be right. I am a mum of one child aged 9 and we hardly use much power.

Your Government cynically issued an energy supplement in the middle of summer leading up to the 2018 election, so we ask again, why will you not finally provide some support to people like Sarah and issue a winter energy supplement to struggling households?

ANSWER

Madam Speaker, I thank the shadow treasurer for his interest in this matter. The first thing: would you kindly pass on those details of Sarah's circumstances to my office. I would be happy to look into that. It does appear, on face value, a little unusual in terms of the circumstance.

Mr O'Byrne - She's one of many.

Mr GUTWEIN - If you have others, please feel free to bring those to our attention as well.

We have discussed this matter on a couple of occasions in this place and I have made the point before that energy costs in the state are going down at the moment. There was a 1.38 per cent decrease. Also, regarding the energy prices actually going down, not going up, we already provide over $45 million-worth of concessions each and every year. If you look at the collective reduction that the 1.38 per cent reduction in energy prices this year adds, which is a little more than $6 million, that is more than $50 million-worth of energy concessions that are already provided.

As a government, as the member is aware, we have also provided a waiver of bills for small business, many of which were home businesses, in that last quarter of the financial year, as well as other waivers in terms of water and sewerage bills.

The Government has taken considerable steps already in the costs of energy, water and sewerage. If there are cases that seem anomalous, that are difficult to understand in terms of the energy costs increasing this year as opposed to what they were last year, then I would like to see them and be aware of them.

The point that I make, and it seems to be a point that the shadow treasurer misses, under this Government energy prices have been coming down. Our Government's policy was to cap at CPI and now we have energy prices coming down. One of the reasons energy prices are currently at the base they are at is the fact that under you they went up by 65 per cent -

Mr O'Byrne - It is about the bills. The regulated price is different from the bills people are receiving. We have the highest bills in the nation.

Madam SPEAKER - Order, Mr O'Byrne.

Mr GUTWEIN - I commend the Energy minister for the work he is doing, both the energy waiver for the final quarter of last year and the fact that he has acted swiftly in terms of embedded networks as well and is providing support there.

As I said when I began, if you are receiving emails or correspondence from constituents I ask you to bring them either to my attention or to the Energy minister and we can have some analysis done. I make the point that under this Government we are working hard to keep energy prices as low as possible and, in fact, that downward pressure is providing a decrease in energy prices moving forward.

Northern Regional Prison - Location

Dr WOODRUFF question to MINISTER for CORRECTIONS, Ms ARCHER

[10.32 a.m.]

The northern prison is going to cost hundreds of millions of dollars but the decision for the site has been mired in secrecy and Westbury residents were not consulted -

I will start that again -

Mr FERGUSON (Bass - Leader of Government Business) - Could we just take a minute, please.

Madam Speaker, I would like to inform you and the House that we are doing our best. I think we have had a miscommunication with the Greens.

Ms O'Connor - Yes, we did. I apologise. I missed your call.

Mr FERGUSON - And we have sorted it. I invite you to allow the member to start her question again.

Dr WOODRUFF - I did have the conversation but here we are now. I did have the conversation but there might have been a miscommunication. I think I have made it clear.

My question is to the Minister for Corrections.

The northern prison is going to cost hundreds of millions of dollars but the decision for the site has been mired in secrecy and Westbury residents were not consulted. It is clear you did not do due diligence before this decision.

You and the Premier have repeatedly said the site is not a reserve but just a bush block with no important values. A Right to Information request shows a confidential DPIPWE assessment from 2016 of this reserve - and I have it here - which identifies that it meets the International Union for Conservation of Nature (IUCN) criteria for conservation, has the endangered masked owl and Tasmanian devils on site and wedge-tailed eagle nests close by. DPIPWE recommended the site have permanent protection.

In 2018 DPIPWE informed the federal government this site was part of the National Reserve System, is protected with a binding agreement, was purchased to become a protected area and that gazettal of the reserve was in progress.

How can you continue to deny to Tasmanians that the prison site is a reserve with values that should be protected? Will you admit the decision to choose this site was made in a panicked rush that has resulted in an ill-advised, costly, inappropriate location that is fraught with significant and unresolvable issues?

ANSWER

Madam Speaker, I thank the member for her question. It gives me an opportunity to put some facts on the table in relation to this new selected site, particularly in relation to the history

of the site. The Greens are probably following on from an RTI document, but all of that information has been released to the media over several weeks for a sustained period of time.

We have been quite open about the fact that the site was originally purchased from a private landholder because it was believed it may have contained a specific forest type which had been significantly reduced by agricultural development and was not well reserved. Subsequent investigation revealed that the site did not contain this forest type. Instead it contained a similar, but not threatened, forest type.

The site is unallocated Crown land -

Members interjecting.

Madam SPEAKER - Order, please. I ask Ms O'Connor and Dr Woodruff to contain themselves.

Ms ARCHER - Thank you, Madam Speaker. It is important for me to set the record straight with some facts.

The site is unallocated Crown land. The land being listed as an informal reserve does not mean that this land is reserve land.

Ms O'Connor - It is part of the National Reserve System.

Ms ARCHER - It is not a reserve. It is a title that has somehow become factual by the Greens and others who make up terminology.

Dr Woodruff - DPIPWE advice from 2016 and 2018.

Madam SPEAKER - Order, Dr Woodruff.

Ms ARCHER - It is an informal reserve, which does not make it a reserve. The site does not contain pristine forest -

Dr WOODRUFF - Point of order, Madam Speaker. The minister is misleading the House. An informal reserve is a reserve. It is listed as part of the National Reserve State. The minister should not be misleading the House on this matter. It is very clear.

Madam SPEAKER - Sorry, that is not a point of order.

Ms ARCHER - It is an informal reserve. That is quite a distinct and separate category to a reserve. The history of the site was something that it was thought to have a specific forest type; it does not require that protection.

Dr Woodruff - Endangered species are there. The department found them.

Ms ARCHER - It does not contain pristine forest but shows evidence of a very long history of timber harvesting and more recently illegal firewood collection, stock grazing, rubbish dumping and shooting on site.

Dr Woodruff - Have you actually been there?

Madam SPEAKER - Order, Dr Woodruff. Warning one.

Ms ARCHER - Yes, I have. The site has not been actively managed by the Crown and is not the responsibility of DPIPWE's Private Land Conservation Program. The site does not contain the values for which it was originally purchased. Indeed, for more than a decade consideration has been given to allowing the land to be sold with the intention of even allowing a proportion of the land to be cleared for a residence.

The Government's proposal is consistent with that approach. The prison's proposed design will occupy less than one quarter, which is approximately 15 hectares of the 70-hectare site with the remaining vegetation to be retained. That will provide ample opportunity for the remaining area to be formally reserved if we wish to, and given the protection that it currently does not enjoy.

Dr Woodruff - Admit you made a mistake.

Madam SPEAKER - Order, Dr Woodruff.

Ms ARCHER - We have given careful consideration and we have conducted preliminary due diligence. We are continuing to look at the design and the location on the site to best deal with issues that arise. We are very well aware of the decision in relation to land use and bushfire risk. As with any development, all those matters of fire management and environmental factors will be considered as part of the normal approval process.

Derwent River Ferry Service

Mr ELLIS question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[10.39 a.m.]

Can you please update the House on the progress and the Government's commitment to deliver the Derwent River ferry service?

ANSWER

Madam Speaker, I thank the member for Braddon, Mr Ellis, for his question and look forward to his inaugural speech later today.

All members will be interested in this subject, but particularly members for Clark, yourself, and the members for Franklin. The Tasmanian Government understands the community's desire to see a ferry operation on the Derwent River. We share that desire. Twin pressures of population growth and greater economic activity in recent years have placed pressure on the road network, particularly in the CBD.

Our commitment to establish a Derwent River ferry service between Hobart and Bellerive is one way to help alleviate traffic congestion, and also to preserve and improve the liveability of Australia's smallest and most beautiful capital city, Hobart.

It is a project identified in the Government's Greater Hobart Traffic Solution. It is listed in Infrastructure Tasmania's Greater Hobart Transport Vision, and it is in the Hobart City Deal. As part of developing this project, the Government has sought advice on the likely demand for such a ferry service, operating parameters and cost, and waterside and landside infrastructure and access issues - and there are many. This included vessel size and navigation, access to wharf infrastructure, the provision for disability access, and integration with landside transport.

This work has informed the next phase of service development. The Department of State Growth and Metro Tasmania have been working with key infrastructure owners and stakeholders to develop further advice for Government on costs and requirements to bring the initiative to operational stage. Advice given to Government was that a range of models could be employed. A Derwent River ferry service between Bellerive and Sullivans Cove has been shown as a key transport initiative, and today this commitment is an important step closer to reality.

I am pleased to inform the House of the establishment of a register of expressions of interest process to test the market and capacity to deliver. Noting the substantial capital and operating costs of a long-term daily service, alternative operating models have been assessed to also enable the service to be provided during peak periods on weekdays.

The Government is now seeking to partner with a private operator to run a trial ferry service between the eastern shore and Hobart, and we are specifying Sullivans Cove and Kangaroo Bay.

To determine industry interest and capacity to deliver before entering into a formal request for proposal, interested existing or potential operators are now invited to pre-register with the Department of State Growth. The Request for Expressions of Interest - REOI - will open this Friday.

The new service will operate between Bellerive and Hobart during weekday peak periods when commuter demand is expected to be greatest, and it is intended to use existing infrastructure. It will provide a fast, convenient and comfortable travel option, while also helping to play its part in reducing congestion, particularly on the Tasman Bridge and the Tasman Highway. Importantly, it will cater for cyclists, and meet all accessibility requirements.

This pre-registration of interest process is not a shortlisting or assessment process, and does not require the provision of a proposal or capability information. It allows interested operators to receive updates directly, and be provided the full Request for Proposal documentation as soon as it is released. The formal RFP process will allow operators to provide submissions to operate the service as a one-year trial, with the potential for a one-year extension. We intend for the people of Hobart and the eastern shore to vote with their feet and support that service and help to inform future delivery.

The RFP will be released before the end of this year. This approach will provide flexibility to operators as to how the service can best be delivered to meet passenger and business needs.

It is important to note that a number of stakeholders have identified opportunities to extend the scope of this ferry service beyond the Hobart to Bellerive route. The indicative

capital costs of these extended projects are very significant, and emphasise the need for proper planning before such investment decisions are made. The approach that we are announcing today allows for that occur. It allows for our first step providing for the shortest distance route, where the potential competitive advantages of ferries over other transport modes can be maximised. We will then proceed to the procurement, to secure an operator for the ferry service, with a successful bidder to be appointed and operating in the first half of next year.

When that service is up and running, I encourage people who live in Clark, people who live in Franklin, right across the city, to get on and use that service and support it, and give it an opportunity to prove its merits. We are very grateful for the patience people have shown as we have been working through this - an exciting day that is 'proof of life' of this key transport initiative for Hobart.

HomeBuilder Grant

Ms BUTLER question to MINISTER for FINANCE, Mr FERGUSON

[10.44 a.m.]

Laura is a single mother with two children, currently renting at $460 per week. Laura saved $23 500 and purchased land at Sorell. Laura applied to her bank with the expectation she could access the HomeBuilder Grant and use that as part of her deposit. Laura's bank cannot accept the HomeBuilder Grant as part of the deposit because of the way you have designed the scheme. Therefore, she will continue renting for another two to three years, and try to save while paying $460 in rent, which is higher than her mortgage payments would be.

Under the current constraints, the HomeBuilder scheme is simply not helping the people and industry the way it was intended. You can fix this with a stroke of your pen. Will you change the process to make banks and lenders, authorised agents, the State Revenue Office in the exact same way that the First Home Owner Grant is treated?

ANSWER

Madam Speaker, I thank the member for Lyons for her question. From the outset I invite her to write to me and I would be prepared and very happy to take that matter up with the independent Commissioner for Taxation.

I also inform the member that the guidelines have, in fact, been amended, and this has been publicly announced. The State Revenue Office has amended its payment process in response to feedback we received from financial institutions, and the specific intention is to allow funds to be paid direct to the financier as soon as the State Revenue Office receives sufficient documentation, including the notice of intention to make the first drawdown, and evidence of substantial commencement.

I believe what the member is asking for is already provided for; we cannot bind the hands of banks or lending institutions. The feedback we have received from the finance industry is very supportive of those amended guidelines.

That said, I take the question in good faith, and invite the member to write to me, particularly with evidence of the particular bank that your constituent is having some difficulty with.

The HomeBuilder scheme is a very important one for our economic recovery in Tasmania. We have implemented this in partnership with the Commonwealth, with a very specific objective, which is to support our building industry during a time of expected decline in new starts. It is already working. We have had well over 1000 expressions of interest by individual families or couples or individuals who are looking for information and wanting to be kept informed. The scheme criteria are very much in line with the federal government's requirements, because as the state Government we are administering the scheme on behalf of the Commonwealth.

Ms Butler - You know it is still not acceptable for the banks.

Madam SPEAKER - Order, Ms Butler.

Mr FERGUSON - If you would care to listen, Tasmania is leading the country, I think with Western Australia, as the most generous matching scheme in the country. Furthermore, Tasmania actually successfully negotiated with the Commonwealth for the opportunity for an extension provision for couples, families and individuals who were having some difficulty, outside of their control, in relation to the commencement date.

I know that is not your question today, but in relation to the specifics about supporting the process, we have taken that on board. The independent Commissioner for Taxation has responded to that, and we have had feedback that it is very welcome.

If the member would care to write to me with the specifics, we will do our best to support that case.

COVID-19 - Residential Rental Protections

Ms STANDEN question to MINISTER for BUILDING and CONSTRUCTION, Ms ARCHER

[10.48 a.m.]

Rental protections for residential tenants are due to expire in just over a month. With borders set to be closed until at least 1 December, and thousands of people still out of work, it is clear that many tenants will continue to suffer hardship for months to come. Coupled with this, the windback of JobSeeker and JobKeeper payments will put more pressure on household budgets.

No Tasmanian should be forced into poverty, or into homelessness, as a result of COVID-19, and yet we are already hearing reports of people who have been told their rent will increase, and even that they will be evicted when the current protections expire on 30 September. This deadline is hanging like a dark cloud over people's heads. Residential tenants need certainty in order to plan for the future. Instead, you have given them uncertainty by saying yesterday that you would 'monitor' the situation.

Will you act immediately to extend residential rental protections to provide landlords and tenants certainty?

ANSWER

Madam Speaker, I thank the member for Franklin for her question. What I did confirm yesterday - and because the member kept interjecting during my contribution on the MPI, Mr Street kindly put forward a sentence that I was not able to get out before my time expired, and that is that we are monitoring the situation. Today is the 26 August so there is over a month before that is set to expire. As has been the case, and very self-evident with the incredibly strong support that our government has provided to both tenants and landlords throughout COVID-19, not least of all the Rent Relief Fund and all the protections that we have put in place, we will ensure that all of that is taken into consideration well before the expiry date of 30 September, and of course each jurisdiction is currently experiencing different conditions, so we are monitoring that as well.

Unlike the Opposition, we will be making a very careful, reasonable and considered decision in relation to this. However, I want to stress the enormous protections and support that the Tasmanian Government has put in place, particularly for tenants. I know that support has been greatly appreciated, particularly by the Tenants Union of Tasmania, which has come out in support of the initiatives the Tasmanian Government implemented very quickly, basically as soon as COVID-19 hit our shores.

We have demonstrated an incredibly strong commitment to supporting Tasmanians through the challenges faced by COVID-19. We introduced amendments to the Residential Tenancy Act for an initial 120-day emergency period. We extended those protections for residential tenants until 30 September to bring us in line with other states and territories after National Cabinet made the decision of something we had already implemented, so Tasmania was nation leading in relation to our protections for all residential tenants.

Unfortunately, Madam Speaker, if you listen to the Opposition, they would have everyone think we did nothing. The support we provided residential tenants is still very strong -

Ms STANDEN - Point of order, Madam Speaker. This is a very simple question. The minister knows that tenants could be given a notice to evict 14 days after the end of this period, and they deserve certainty. Will she act immediately today to provide certainty to tenants and to landlords about the protections that will be available at the end of this period?

Madam SPEAKER - That is not a point of order, but I have allowed it on *Hansard*.

Ms ARCHER - Madam Speaker, I again say on the record that our Government is deeply committed to supporting tenants and landlords through this challenging period, with respect to both residential and commercial tenancies, I might add. There have been significant reforms and actions taken in relation to all of these areas.

There is over a month to go. We are currently considering that and well before the expiry we will announce what will need to occur in relation to the protections and exemptions that are currently in existence. We will provide that clarity. I can assure the House that a decision will be made. There is no need to panic because at the moment tenants and landlords have these extensive protections in place. Each party has the right to go to the Residential Tenancy Commissioner in cases of extreme hardship. That is a feature of our system and, as has been demonstrated throughout this period, that has been significantly utilised and sensible decisions

have been made. The Rent Relief Fund has been there as an additional measure for private residential tenants and landlords.

Ms O'Byrne - Other jurisdictions are acting on this. Why won't you?

Madam SPEAKER - Order.

Ms ARCHER - Madam Speaker, the other side clearly does not want to hear about the significant initiatives we have currently put in place to protect tenants and landlords in this situation. The Rent Relief Fund was available from 25 May.

Ms STANDEN - Point of order, Madam Speaker, under relevance. The minister knows very well that the Labor Party supported the protections that are already in place and which the minister was pushed to put in place. We are looking for a commitment as to whether she will extend the protections.

Madam SPEAKER - That is not a point of order. I ask the minister to wind up.

Ms ARCHER - I will wind up, Madam Speaker, because clearly the Labor Opposition does not want to hear the answer, and that is that we are currently looking at it and we will provide clarity. Today is 26 August and we have until 30 September. We will announce what will be occurring well before that expiry date.

Mersey Community Hospital - Staffing

Ms DOW question to MINISTER for HEALTH, Ms COURTNEY

[10.55 a.m.]

The constant downgrade of services at the Mersey Community Hospital is already having an impact on patient care. In one case that we are aware of, an older gentleman had two strokes in June and presented to the Mersey Community Hospital ED at 10 p.m. After a five-hour wait he was told the emergency department was closed, even though he was sitting in the waiting room, and that he would need to be transferred to the North West Regional Hospital. He was transferred by ambulance at 3 a.m. and his daughter describes the experience as a total shambles. Sadly, this gentleman now has permanent damage to his eyesight but his family described this as lucky given their experience.

Examples like this are only going to become more common with your decision to slash services from this week and we are already hearing from staff who feel very distressed about the potential for something to go very wrong.

What specific actions are you taking now to address your failure to recruit permanent staff so that 24-hour accident and emergency services can be restored at the Mersey Community Hospital, as you have promised they will be?

ANSWER

Madam Speaker, I thank the member for her question. While I am unable to comment on specific cases, and it would not be appropriate to comment on that patient's case, I make it very clear that we take the care of all Tasmanians very seriously, no matter where you live.

I said yesterday, and would like to reiterate once more, that for all patients, whether in the north-west, the east coast, the west coast or on the peninsula, if you are in distress and you need care, please call an ambulance. We have increased resources across Ambulance Tasmania to ensure you get seen.

I appreciate the member's interest in the Mersey Community Hospital. I know this is a hospital that the entire north-west region holds very dear to its heart. Indeed, we were the Government that ensured there was a funding agreement with the federal government for that hospital to continue. In terms of history our side has clearly demonstrated our commitment to that hospital when the other side of the Chamber sold it. I want to be really clear about that.

I find the member's questions with regard to our commitment to the Mersey Community Hospital very disappointing. I have said on record on a number of occasions that this Government is absolutely committed to that hospital and that emergency department returning 24/7. However, as I have said previously as well, when the clinical advice is that it is unsafe to do so I am not going to push that because you want to achieve it, Ms Dow.

Opposition members interjecting.

Madam SPEAKER - Order.

Ms DOW - Point of order, Madam Speaker, going to standing order 45, relevance. I want to reiterate to the minister the question, which is what specific actions are you taking now to address your failure to recruit permanent staff so that the 24-hour service in the accident and emergency department can be restored, as you have promised they will be?

Madam SPEAKER - Thank you, Ms Dow. That is not a point of order and the minister is responding.

Ms COURTNEY - As I have outlined in this place previously, we have a number of permanent roles open at the moment. We have been and are actively recruiting. However, in light of a global pandemic this is placing unprecedented pressure on recruitment practices around the globe. I want to be very clear that we are committed to recruiting further medical professionals to that hospital to support the emergency department.

We have shown over the previous six years in government that we are absolutely committed to health professionals at that hospital. Indeed, we have recently opened the new rehabilitation rooms and ensured that we have been able to recruit a rehabilitation specialist to that site to support it. We have also seen specialists recruited across the north-west, including in the ICU at the North West Regional Hospital. This side of the Chamber has a clear commitment to recruit medical professionals to ensure that we have appropriate service delivery.

A hallmark of the response in Tasmania to the COVID-19 pandemic has been the extraordinary collaboration we have seen across the health system. I take this opportunity to thank all health stakeholders for working together with a single objective of keeping Tasmanians safe.

I ask the member opposite to work with the Government as a leader in your community to support your community at a difficult time. These are not decisions that are taken lightly.

Community leaders in that area have been responsible. While acknowledging that this is not a decision that they embrace, they also acknowledge that the Government is working very hard for those services to be delivered. I ask Ms Dow to make sure that she is supporting her community instead of creating further fear.

Renewable Hydrogen Industry - Job Creation

Mr TUCKER question to MINISTER for ENERGY, Mr BARNETT

[11.01 a.m.]

Can you update the House on the Government's plan to develop a job creating renewable hydrogen industry and is the minister aware of any other approaches to Tasmanian job creation?

ANSWER

Madam Speaker, I thank the member for his question, his special interest in this matter and the interest of job creation across Tasmania. Tasmanians can be proud that our state has strong renewable energy credentials right across Australia. We have very strong plans and the vision to be a global leader in renewable energy.

Countries across the globe are looking for cleaner, low cost, reliable energy and Tasmania has what it takes for them to reduce that carbon footprint while growing their economies. Tasmania has what the rest of Australia needs and what the rest of the world needs. With global demand rising, Tasmania's natural advantages in world-class water and wind resources and the nation-leading plans for our renewable energy industry and economy provides us with a significant opportunity.

In May this year, our Government opened its expressions of interest process into a $50 million Tasmanian renewable hydrogen industry development support package, the largest in Australia, to build the renewable energy and the renewable hydrogen industry right here in Tasmania. We are going to make this the epicentre for renewable hydrogen manufacturing in Australia.

I am pleased to announce our significant progress in building this Tasmanian jobs of the future, industry. The expression of interest process has now closed with a very strong response to be part of Australia's renewable hydrogen epicentre right here in Tasmania, with 23 applications received. Under the program, a mix of proposals for feasibility studies and infrastructure and technology projects has been received, well in excess of the available funding.

The applications received cover the production, distribution and the use of renewable hydrogen, with a wide variety of potential end uses identified. It clearly demonstrates that we are on the right course to attract significant investment in this sector for our state which is projected to create hundreds of local jobs and inject millions into our economy, particularly in regional areas.

An independent assessment panel is now considering the applications on the individual merit as well as how they will fit into our Renewable Hydrogen Action Plan, which aims to

make Tasmania a global producer and exporter of renewable hydrogen by 2030. Recommendations will be provided to the Government in coming months.

I am also pleased to see a Tasmanian-based project proposed by Woodside Energy Limited to be located at Tasmania's Bell Bay Advanced Manufacturing Zone. That has been short listed and invited to submit a full application for the next stage of the federal government's Australian Renewable Energy Agency (ARENA) $70 million renewable hydrogen deployment round. The $70 million fund is designed to fast-track the development of renewable hydrogen in Australia and that is good news for Tasmania.

Developing a renewable hydrogen industry in Tasmania plays to our strengths, to our competitive advantages, complements our nationally significant Marinus Link and Battery of the Nation projects and our commitment to taking real action on climate change and reducing emissions.

The Government is getting on with driving investment, creating local jobs, realising our renewable hydrogen energy potential, which will be vital as we rebuild our economy through the coronavirus pandemic.

You would think that the Greens would applaud investment and jobs in this state, but no, this is an organisation that has a long history of undermining our mining and forest industry, not to mention our salmon and agriculture.

Ms O'Connor - A long history of defending this island. He is inciting interjections, Madam Speaker.

Madam SPEAKER - Order, Ms O'Connor. I think you are above that.

Mr BARNETT - During the greatest financial and economic crisis in our generation, the Greens are at it again, attacking our jobs-rich productive industries and actively working to put thousands of Tasmanians out of work.

During the COVID-19 jobs challenge, can you fathom or understand the rationale of the Bob Brown Foundation wanting to firstly close down our sustainable forest industry, putting thousands of Tasmanians on the unemployment scrap heap -

Ms O'CONNOR - Point of order, Madam Speaker. There is tedious repetition, but there is also standing order 48, sufficient time. The minister has been answering a Dorothy Dix question for more than five minutes. Now he is degenerating into a sledge at the Bob Brown Foundation, which is not a good use of parliamentary time or taxpayer's money.

Madam SPEAKER - That is also not a point of order, thank you.

Mr BARNETT - I was going to the second part of the question -

Ms O'CONNOR - On the point of order, Madam Speaker -

Madam SPEAKER - Sorry, minister, I have another interjection.

Ms O'CONNOR - It is not an interjection, it is a point of order. Can I raise with you standing order 48. The minister has had sufficient time. He has been answering a Dorothy Dix question for more than five minutes.

Mr O'Byrne - Speaking of tedious repetition.

Mr Barnett - Thanks to your interjection.

Madam SPEAKER - Yes, that is right. We have this quid pro quo where we get these long-winded questions and the minister is entitled to answer them. So, I am going -

Ms O'CONNOR - On the point of order, sorry, Madam Speaker, it was not a long-winded question. It was a Dorothy Dixer.

Madam SPEAKER - We are not allowed to call them Dorothy Dixers. Let us proceed. The minister now has one further minute.

Mr BARNETT - Thank you, Madam Speaker. There was a second part of the question which I am addressing: the alternative policies that are available. The Bob Brown Foundation is preventing Venture Minerals, the Riley iron ore -

Ms O'Connor - Hear, hear.

Mr BARNETT - There you go, 'hear, hear'. The Greens strongly supporting it. These are another 100 jobs they are opposing. On top of that you have got preventing of our renewable energy plans -

Dr Woodruff interjecting.

Madam SPEAKER - Order, Dr Woodruff. You are already on one warning.

Mr BARNETT - whether it be wind, Marinus Link or Battery of the Nation. We hear 'hear, hear' from the Leader of the Greens supporting the Bob Brown Foundation.

We heard yesterday from the Labor Party, their anti-Tasmania pro-Europe position - the European trade ambassadors, doing a big pitch for Finland and other countries. They are at one in the anti-jobs group with the Greens and the anti-jobs collection on the other side from the Labor Party. It is an anti-jobs bandwagon over there on the other side.

On this side of the House, we are a government. We are getting on with the job. We are delivering jobs, particularly in rural and regional Tasmania.

Hobart Airport Roundabout - Landowner Dispute

Dr BROAD question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[11.09 a.m.]

Yesterday you attempted to distance yourself from a messy dispute with landowners near the Hobart airport roundabout that is threatening to further delay the project. You said a

planning appeal was entirely a matter for the landholders and the contractors, Hazell Bros., and I quote:

> The Government will respect that process between the parties which now needs to run its course without interference.

Can you confirm that, contrary to your claims, the state has in fact lodged documents with the court to intervene in the dispute? How much taxpayer money will be wasted in an appeals process because, in the words of the landowners, you reneged on commitments given in the original design?

ANSWER

Madam Speaker, I thank the member for Braddon for his question. It seems he has a couple of things right and a couple of things wrong in his question. It certainly is the case that I stand by my remarks in relation to this matter. I have provided the House with advice provided to me by the department and I have further advice from the department which I will provide. The department requested to be joined as a party to the appeal on the basis that the -

Mr O'Byrne - So no interference?

Mr FERGUSON - If you would care to listen to the answer. The department requested to be joined as a party to the appeal on the basis that the Hobart Airport interchange project is a significant infrastructure project for the state and is jointly funded by the state and Commonwealth governments. The tribunal has made a decision to allow the department to join as a party to the appeal. I was advised this morning that that occurred yesterday.

Ms White - So you misled the House yesterday. Why didn't you correct the record at the earliest opportunity?

Madam SPEAKER - Order.

Mr FERGUSON - While Hazell Bros is responsible for obtaining approvals to enable the project to proceed, the department has a significant interest in the outcome of the appeal and ensuring that the project is able to be delivered. One of the grounds of appeal is that the interchange is unsafe and will impact on the efficiency of the network. The department is responsible for the safe and efficient operation of the statewide network and it makes sense for it to participate in the proceedings.

This is an important project for our state. It is a vital project for relieving congestion. It is a project which members of a political party should not be trying to interfere in. It is not a court; it is a tribunal - the member got that wrong - and importantly, the Government will not be -

Mr O'Byrne interjecting.

Madam SPEAKER - Mr O'Byrne, I would appreciate if you would put that prop down.

Mr FERGUSON - Mr O'Byrne did not build a single interchange while he was infrastructure minister, Madam Speaker.

The Government has a plan. It has been supported by this House. It has been supported by the Public Works Committee. It has been supported by the federal government. It was approved by the Clarence City Council on 13 July. The developer or proposed developer, the landowner, within their right, has lodged an appeal with RMPAT and that should be allowed to proceed. The department has a role in this. Dr Broad does not have a role in this but if he wants to interfere in the process that would be a matter for the Labor Party.

Opposition members interjecting.

Madam SPEAKER - Order, please, a little less hysteria.

Mr FERGUSON - It is the advice I was provided with this morning and is an update to my answer from yesterday. The department provided me with the advice this morning that the department was advised yesterday that it would be allowed to be a party to the process. I believe every member of this House should allow that process to go on without interference.

Bushfire Season - Preparation

Mr TUCKER question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON

[11.13 a.m.]

Can you please update the House on actions the Government has been taking to prepare for the 2020-21 bushfire season?

ANSWER

Madam Speaker, I thank Mr Tucker, the member for Lyons, for that question and his thoughts around preparation for next year's fire season. It is critical to all Tasmanians but in particular the members for Lyons because it is such an expanse of Tasmania.

The autumn 2020 fuel reduction burn season has been the most successful burn period since the Government's nation-leading fuel reduction program began. This period has seen successful implementation of 146 fuel reduction burns covering over 27 000 hectares in strategic locations to protect Tasmanian communities, infrastructure and natural values in high bushfire risk areas across the state. I also note that the work has been completed while dealing with the challenges caused by the COVID-19 pandemic. All staff who have contributed to the program are to be congratulated on their role in reducing the bushfire risk in Tasmania.

Tasmania is nation-leading when it comes to taking a 10-year blind strategic risk-based approach to fuel reduction. Since the program began, 773 strategic bushfire risk reduction activities have been completed statewide, encompassing over 116 000 hectares, of which 17 000 hectares were conducted on private land.

To keep Tasmanians safe, we are doing more and will be even better prepared for next summer's bushfire season. This year we have increased Tasmania's capability in remote area firefighting across our firefighting agencies to ensure that the state has more teams to insert specialist firefighters and rapid response capacity when needed.

The TFS has approximately 100 career remote area firefighters available statewide and we are on track to have volunteer remote area firefighters ready for deployment this summer to work alongside the significant capacity already provided by the Parks and Wildlife Service.

Tasmanian landowners will be better able to manage the bushfire risk on their properties with the launch of the revised Red Hot Tips program only a couple of weeks ago. The program will create a greater understanding of bushfire risk, provide landowners with more access to advice and will increase their capability to manage long-term risk.

We are bolstering the Bushfire Risk Unit within the TFS with two new bushfire burn crews. The employment of 12 additional crew into the Bushfire Risk Unit provides an opportunity to undertake even more activities in mechanical and fuel reduction burning activities and mitigation.

By the end of 2020 fire management area committees across the state will have prepared a new bushfire risk management plan. These bushfire risk mitigation plans identify and assess community bushfire risk and prioritise strategic work in response to those risks, including areas of strategic fuel reduction burning. Fire management area committees provide a vital link between local fire brigades, local volunteer brigades, local government and land managers, both private and public, and other key stakeholders responsible for land management or critical infrastructure to ensure that the whole community is working together to manage bushfire risk.

The undertaking of this Government is that we will take on board the lessons of the past five seasons and never stop in our goal of ensuring Tasmania is prepared for future challenges. This is why we have worked hard to insure that all the recommendations arising from the 2013 Tasmanian Bushfire Inquiry, the 2016 AFAC Review and the 2018 AFAC Review have been completed.

At a national level, the Commissioners and Chief Fire Officers Strategic Committee is planning for the processes around interstate resource and aircraft deployments for this fire season, factoring in, of course, COVID-19 and border restrictions.

We have invested in our aerial capability, with the State Air Desk running all year round and additional personnel added to assist when the contract aircraft arrived in the state. The planned aerial firefighting support for the bushfire season will ensure Tasmania is well prepared for any bushfire threat that may occur during the upcoming fire season. We are also in the process of setting up large air tanker air bases both in the south and the north.

While we are working hard to keep Tasmanians safe through the COVID-19 pandemic, this does not mean that we are not working equally hard to keep Tasmanians safe from the threat of bushfire. Tasmanians can be assured that in the lead-up to the coming season our firefighting agencies will be well prepared to protect our communities.

Time expired.

GAS INDUSTRY AMENDMENT BILL 2020 (No. 32)

Bill presented by **Mr Barnett** and read the first time.

POINT OF ORDER

Correspondence to the Speaker

[11.20 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, last night on the adjournment I asked a series of questions of you, as Speaker, following events in here last Thursday on the adjournment. I asked that you come in after question time and respond to those questions. I note that you sent an email this morning saying, 'I am considering my response and will get back to you in due course.' Given our concern is to ensure even handedness and no censorship from the Chair, can you confirm you will give your response in the House?

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, if I may offer a comment on that, I think it is the not right time for a question to be posed to you. I would invite the member to take advice and allow the other formal business to be conducted, and for you to choose the timing of any response you may wish to give to Ms O'Connor's questions from last evening.

Madam SPEAKER - You are not in order, Ms O'Connor, because you have not moved a motion. You are unable to ask me questions without notice.

Ms O'CONNOR - Point of order, Madam Speaker. It would not hurt the House to have some clarity about when those questions might be answered.

Mr FERGUSON - That is not the point. Madam Speaker, that really was my point. The House deserves to be able to move on. Ms O'Connor, I understand, has within her rights, posed a range of questions to you last evening on the adjournment. It is only good manners to allow you, Madam Speaker, to consider your response and the timing of giving that response.

Madam Speaker, I wish to move a motion -

Ms O'CONNOR - On the point of order.

Madam SPEAKER - No, please sit down, Ms O'Connor. I am moving on with the Leader of the House.

Ms O'CONNOR - I am making a point of order, Madam Speaker.

Madam SPEAKER - I do not have to take your point of order.

Ms O'CONNOR - I believe a member is entitled to give a point of order in this House under the Standing Orders.

Madam SPEAKER - Can I have a ruling on that, please? Is it the same point of order, because I have already ruled on it?

Ms O'CONNOR - The question is, Madam Speaker, will there be a response provided to the House?

Madam SPEAKER - We have already ruled on it, Ms O'Connor. If you are going to keep up this action I will have no choice but to suspend you. Please sit down.

Dissent from Speaker's Ruling

Ms O'CONNOR - Under standing order 152, Madam Speaker, I dissent from your ruling. The reason I dissent from your ruling is that we are concerned that there are not even-handed decisions being made by the Chair, that a number of questions were put to you as Speaker about the events of last Thursday night, and the House -

Madam SPEAKER - You have to put it in writing, Ms O'Connor.

Ms O'CONNOR - I am putting it in writing, Madam Speaker.

Mr FERGUSON - Madam Speaker, with all respect, you actually gave me the call. I would like to move a motion.

Madam SPEAKER - I am sorry. I apologise for the rudeness of the member. Could you please sit down and allow the Leader of the House to continue?

Ms O'CONNOR - Madam Speaker, I -

Madam SPEAKER - You have had a ruling, over and over.

Ms O'CONNOR - Madam Speaker, I have moved a dissent in your ruling under standing order 152. I moved dissent on the basis that we are concerned about your potential lack of even-handedness in the Chair. As I understand it under standing order 152, that begins a 35-minute debate. So, we are going to have to have -

Madam SPEAKER - We are just checking on the length of that debate, Ms O'Connor, to see how much time you are going to take up.

Ms O'CONNOR - It is a 35-minute debate, Madam Speaker. Any member of this House, if they are not satisfied with a ruling by the Speaker, is entitled to move dissent in the Speaker's ruling under standing order 152 -

Madam SPEAKER - I am quite happy for you to do that.

Ms O'CONNOR - I move dissent in your ruling on the basis that the House should hear answers to the questions that were put in the adjournment last night. They do go to whether or not we have a Chair who is unbiased in the way that they treat members in this place. The questions that I asked last night on the adjournment, Madam Speaker, went to your role in the Chair last Thursday night, when I was shut down by you, as Speaker.

We are concerned to ensure that in the Chair, Madam Speaker, you treat every member in this place equally. Prima facie, you did not do so last week on the adjournment when you did not pull up Ms Haddad for saying the most outrageous things about me -

Mr FERGUSON - Point of order, Madam Speaker. I offer this point of order, Madam Speaker, to you and perhaps through you, to the member to assist in whatever process Ms O'Connor is attempting to move.

The ruling, as I understand it, that you have provided to the House is that Ms O'Connor did not have the call. It is not about what happened last week. It is not about whether or not, Madam Speaker, you are responding to Ms O'Connor's questions in a time that suits Ms O'Connor. It is only about whether or not Ms O'Connor had the call.

This is a complete waste of time. Ms O'Connor, I invite you not to proceed with this pointless dissent motion. It has not even been provided in writing yet. You are writing it as you speak. This is a complete -

Ms O'Connor interjecting.

Mr FERGUSON - My point of order is that it is out of order. The House should be allowed to get on with its business. Frankly, a debate around whether or not Ms O'Connor had the call is a waste of time.

Ms O'CONNOR - On the point of order, Madam Speaker, we could cut short this dissent debate if you would provide some clarity to the House and to us about when you might respond to those questions we asked and in what form.

Mr FERGUSON - I invite you to withdraw your motion and allow Madam Speaker to speak for herself on it, instead of trying to force the matter.

Ms O'CONNOR - I will withdraw the motion only because we have some level of commitment, do we, that there will be a question and answer to the question that we have put. This is really important. The questions we asked last night are really important.

Motion of dissent withdrawn.

Members interjecting.

Madam SPEAKER - Order.

Ms O'BYRNE - Point of order, Madam Speaker. The rules of this House require that all commentary goes through the Speaker. That is meant to provide protection for the members of the parliament. Once again, Ms O'Connor is directly stepping towards members of the Opposition who are sitting in the back benches -

Ms O'Connor - That is a lie.

Ms O'BYRNE - I beg your pardon?

Ms O'Connor - I said that is a lie.

Ms O'BYRNE - Madam Speaker, first of all it is unparliamentary to say that I am lying.

Madam SPEAKER - Yes, it is unparliamentary.

Ms O'BYRNE - Second of all, the video will clearly show that those actions took place.

All that I am asking, Madam Speaker, is that when members have an issue, particularly issues for which they feel as passionate as Ms O'Connor does, that they use the forms of the House -

Ms O'Connor - Parliamentary good practice.

Ms O'BYRNE - Excuse me, I am speaking.

Ms O'Connor - You are always speaking.

Ms O'BYRNE - Madam Speaker, I understand that I have the call.

Madam SPEAKER - You do have the call and I apologise for the rudeness. Please proceed.

Ms O'BYRNE - Thank you, Madam Speaker. I understand that whilst I have the call Ms O'Connor cannot continue to interrupt the way she has.

Madam Speaker, I am raising a point of order because it goes to the very feeling of safety that members have in this House. We often have very passionate debates, sometimes debates that can verge upon being quite angry because we are passionate about those things. The reason we direct commentary through the Chair is to ensure that those debates are had in a way that does not impinge on a member's feeling of safety, or a member's ability to raise those issues again in the future.

Ms O'Connor - Is this a point of order? No, it is a speech that we are in.

Ms O'BYRNE - Once again, it is a point of order. It is valid point of order. I am going to ask Madam Speaker if she can remind all members of this House, but particularly Ms O'Connor, to direct her remarks through the Chair.

Dr Woodruff - Madam Speaker, on the member's -

Madam SPEAKER - Excuse me. That was not a point of order but I thank you because I have had complaints about feeling safe in this House.

The Leader of the House takes precedence.

SUSPENSION OF STANDING ORDERS

Move Motions - Inaugural Speech and Sitting Time

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, on indulgence, I thank the member for withdrawing her motion and, Madam Speaker, I thank you for your choosing of your time to respond to those questions.

Madam Speaker, I seek leave to move a motion without notice for the purpose of moving a suspension of standing orders in relation to Mr Ellis's first speech, and the adjournment of the House tonight.

Leave granted.

Mr FERGUSON - Madam Speaker, I move - That -

(1) So much of Standing Orders be suspended as would prevent the honourable member for Braddon, Mr Ellis, from making a statement to the House, for a period not exceeding 30 minutes, following the conclusion of the debate this day on the Matter of Public Importance.

(2) For this day's sitting, the House shall not stand adjourned at six o'clock. and that the House continue to sit past six o'clock.

Speaking for myself I look forward to the first speech of the newly-elected member for Braddon, Mr Ellis.

In relation to the sitting hours of the House, I will speak with Mr O'Byrne, Ms O'Connor and Ms Ogilvie during the evening. The intention, is to allow the Land Use Planning and Approvals Amendment (Major Projects) Bill to be considered through its remaining stages. We made good progress yesterday. We do not want to sit long into the night but we do need to conclude the debate. I look forward to working with my counterparts to make that work for everybody.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

North-West Health Services

[11.30 a.m.]

Ms DOW (Braddon) - Madam Speaker, I move -

That the House take note of the following matter: the north-west health services.

I begin my contribution this morning by saying that as a local member advocating for my local community about issues that are incredibly important to them like the provision of health services, it is an important part of my job and I will continue to do that. As someone who has a background in health and has worked in our healthcare system across the north-west coast I feel passionately about how we can improve the services we provide to our communities. I understand the need to always look at how we can improve the services we provide and because of our population and the different demands on our population, the importance of providing equitable health services right across our region.

I put my thanks on the record to all the hardworking staff who are working across our health services on the north-west coast. For our community and our hardworking health staff it has been a very difficult time over the last six months. As the House will be aware, we had

an outbreak of COVID-19 on the north-west coast and an extended period of lockdown which led to a very difficult time for our healthcare providers, but they continued to provide essential services for us and they continue to do that now during this very difficult time.

We had 5000 staff and their families quarantined and the closure of two of our hospitals, in particular our major acute hospital, and we had AUSMAT and the armed forces come in to manage those hospitals. Throughout that time the staff at the Mersey Community Hospital in particular held the fort for us, providing essential services along the coast, as did the hardworking staff at the Launceston General Hospital whom I wish also to acknowledge and thank. The other important players within these changes to health service provision during this time are our paramedics. I know through speaking with them that they are working incredibly hard and have had additional pressures and I want to thank them for the work they are doing.

I turn my attention now to the changes at the accident and emergency department at the Mersey Community Hospital and take a moment to reflect on the Mersey Community Hospital. Quite rightly, as the minister said this morning, there is a lot of community sentiment about the Mersey Community Hospital. The local community hold it dearly and they fight passionately for it. From previous roles I have held in the community I understand the importance of that hospital to the provision of services right across the coast and I understand and have advocated in other roles for the importance of the Mersey Community Hospital with my other community leader colleagues in the past.

It is important that we provide certainty for the community at this time. When there have been changes in the past there has been good community consultation undertaken. That was particularly around the white paper and changes that were to take place and one of those changes that comes to mind is around the provision of maternity services and birthing services at the North West Regional Hospital. I put on the record that if there are to be significant changes at the Mersey Community Hospital we take the time to work with and talk to the community and explain to them any difficulties there may be around the recruitment of staff, the Government's plan around workforce development across the North West Coast and what actions they are taking to try to address the shortage of staff and the need to provide safe staffing across both campuses to enable the provision of full services at both hospitals.

On Monday my colleague, Shane Broad, and I launched a community petition which some of you may be aware of. This is our call for the provision of safe staffing levels at the Mersey Community Hospital and for the Government to stand by its commitment to reopen the hospital 24 hours a day. We did that in response to a number of concerns that have been raised with us, not only by members of the community who have shared their sometimes very traumatic experiences of having to be transferred in the middle of the night either by ambulance or by their own family members to either Launceston or to Burnie and the difficulty that has been for people and their experience. We have had feedback from staff and have been working with the unions around some of the pressures that this is putting on staff, not only at the Mersey but also at the North West Regional Hospital as well, and the increased demand they will be seeing having to see patients from the Mersey region at well.

All of this comes at a time when there is the independent inquiry into what happened during the COVID-19 outbreak on the north-west coast. I thank the Government for supporting our calls for immunity for those workers because it is very important for them to be able to tell their story and be protected to do so. I also thank them for extending the time frames for submissions because this will be an important inquiry, the independence of which is very

important and it will enable us to fully understand what happened during that time but more importantly to prepare ourselves for the future and make sure that our patients and our staff are safe.

The Integrity Commission report that was tabled here in the parliament yesterday is not the first one to be tabled around some of the cultural issues across the north-west arm of the THS. I have read the report and the incidents within it and I do not intend to reflect on those in the Chamber. What I will say is it would be good for the minister today to outline the Government's actions in addressing some of those cultural issues and I would really appreciate an answer to the question of whether the minister feels that these cultural issues are contributing to the difficulties in attracting and retaining permanent staff to work within the THS across the north-west region. That is a very important question.

I would like the minister to outline a workforce development plan for the north-west region, the work that is being done on that and the actions being taken by the Government to attract permanent staff.

Time expired.

[11.37 a.m.]

Ms COURTNEY (Bass - Minister for Health) - Madam Speaker, I thank the member for bringing this matter of public importance to the Chamber because I, along with the Braddon members around the Chamber, recognise the importance of service delivery across the north-west and particularly the importance of the Mersey Community Hospital. As I outlined this morning, the Government has clearly demonstrated that through its agreement with the federal government and the white paper process my predecessor did looking at how we can have the Mersey sustainable and delivering safe services to that community.

Before I go to some of the points raised by Ms Dow, I also place on the record my thanks for the hardworking staff at the Mersey Community Hospital, the North West Regional, the North West Private and indeed across the entire THS, encompassing Ambulance Tasmania as well. In any normal time these staff go above and beyond to serve their local communities and I know they do so with dedication, love and commitment. We have seen that commitment demonstrated through this year. We have asked so much of those people and I have been proud and impressed at how everyone has stood up to respond to keep their communities safe.

I will reflect on Ms Dow's comments regarding the Integrity Commission report tabled in the parliament yesterday. Like Ms Dow, I am not going to go to the specifics of the report. However, I want to make it clear that it is my expectation that when all staff turn up for work in the Tasmanian health system they come to work for each shift knowing they will have the opportunity to contribute to a workplace that is underpinned by core values of integrity, accountability, working together and a focus on supporting people.

The behaviour that was outlined in the Integrity Commission report is unacceptable. We strive for continuous improvement across the Government and I have asked the secretary of the Department of Health to review the report and provide the Government with advice as to whether any further action is required regarding the specific matters raised.

Ms Dow talked about learnings that we will be able to have from the north-west inquiry, and with regard to this Integrity Commission report, it is my very clear expectation that the learnings from this will be further able to be integrated into our system.

I take matters of governance very seriously. This is why in February this year I announced governance changes to the Department of Health, to strengthen decision-making at a local level. We also, through this governance change, sought to strengthen accountability, and also a stronger sense of collaboration, cooperation and shared purpose within the department. The new governance structures in place ensure that positions within the north-west now report to the chief executive hospitals north and north-west. This enables local management an oversight, and as a member of the local management team, this will provide greater accountability for the delivery of services.

I have asked the secretary of the department to ensure that the health executive uses this as an opportunity to ensure that the new governance structure we announced in February fully realises the intended aims of strengthening accountability, and empowering local leadership to deliver the support our hospitals need.

With regard to some of the other matters, in terms of progress the Government has made on the areas raised, the Government has worked to strengthen the framework around gifts and benefits, and conflict of interest declarations through relevant policies and procedures.

The THS conflict of interest protocol was reviewed in late 2018, and the revised protocol was effective from January 2019. The THS gifts, benefits and hospitality protocol was reviewed in late 2019, and the revised protocol was effective from January 2020.

The department also introduced an online training package on recruitment and selection that focuses on conflict of interest. There are a number of learnings from this report, and I look forward to these being fully integrated into the new structure that we are implementing across the THS.

With regards to the decision concerning the Mersey Community Hospital, I once again want to make it clear that we are fully committed to that hospital. I am committed to that hospital returning its ED to 24/7, and I can assure the member that I have asked the department to explore all sorts of mechanisms for how we can do that.

I appreciate the engagement we have had from various unions with regards to staffing across the north-west. We know this is a challenge, not just across our medical staff, but also across nursing and midwifery as well. I can assure the member that this is a clear personal focus of mine, because it is important not just for the delivery of safe services, but also for the people who are working in that community and at those hospitals to have a stable workforce and indeed to make sure that we can implement the cultural changes we are embedding through the new governance structure.

I can assure that member, and I would like to reiterate my support for that hospital.

Madam Speaker, this side of the Chamber has shown significant commitment to the Mersey Hospital. We have seen the delivery of the new rehab service, and indeed we have recruited a specialist. It was very exciting to be able to help service that ward. What that means is people from the coast who would usually have had to travel to the LGH or Royal Hobart Hospital to receive that level of care can now do that in the north-west. That is a good thing, and I am very pleased we have that specialist care available there.

Across the THS, we have also seen 33 new paramedic interns since May, with 12 of them on the north-west. We have also recruited an additional 20 other paramedics across AT this year. I know through the two helipads how important aeromedical services are to the north-west, particularly in the beginning half of this year when we did see pressure.

I acknowledge with the limited hours the emergency department, I would like to -

Time expired.

[11.44 a.m.]

Dr BROAD (Braddon) - Madam Deputy Speaker, I rise to speak on this matter of public importance. The provision of health services has had a huge impact on the north-west coast. We know that the health system is already stretched, and COVID-19 has made that situation even worse. We know that the issues in the hospital are not going away. We know that the waiting lists are steadily growing longer, and are now at record levels.

These health issues do not go away, and that is why it is essential that the whole of our health system is working as hard as it can, and as efficiently as it can, and that it is seeing patients in a timely manner.

We have a situation now where part of the health system is not working as efficiently as it can, because the emergency department at the Mersey Hospital - which has a large catchment - is only open during business hours. The emergency department was 24 hours a day, but moved to overnight closures, and is now only open during business hours between 8 a.m. and 6 p.m.

This puts increased pressure on the rest of the health system because the patients do not go away. People do not stop getting sick, people do not stop needing services, and people do not stop having emergencies. How is this going to be dealt with? We are hearing about people being transported by ambulance, or even having to take taxis between hospitals, so that they can access accident and emergency. They are arriving at a hospital emergency department that is already full and at capacity.

We have seen reports in *The Advocate* of people who cannot get into the emergency department because COVID-19 has put in place social distancing, which means if there is a certain number in the emergency waiting room, they simply cannot get into the building. This needs to change.

We have seen the impact of the coronavirus on the north-west. We had the hardest lockdown in the state, and the staff of the hospitals of the North West Regional Hospital were furloughed. Steps were taken that brought that outbreak under control. A lot of that heavy lifting was also done through the Mersey. The staff did an amazing job through that period - and ambulance staff too, transporting COVID-19-positive patients to other hospitals, putting themselves at risk.

We are now seeing that there is increasing pressure on ambulance staff to transfer patients after hours. What we want to know is, how is this going to be fixed? We know there is a problem, and the problem has been identified. We asked today what specific actions are being taken. We would like to see a plan for fixing this, rather than it continually getting worse. We

have seen this reduction in hours. When we launched our petition, we heard from staff at the Mersey about the pressure they are under, and the issues that are not being dealt with.

We have all heard stories about locums who have come to the Mersey and wanted to work full time and make the Mersey their home base. We are being told that they have not been offered contracts, except if they want to work at the North West Regional Hospital. Some of the funding from the Mersey is used to fund placements that were predominantly at Burnie. The staff are very concerned. They have seen a similar pattern with maternity services. The staff told us funding of the services was reduced, and it got to a stage where it was unsafe, and then the maternity services were shut down and shifted to Burnie.

The staff are very concerned that the pattern may be repeating here. If there was a structure, or a series of specific actions put to them, that may have stopped those comments being said by the staff. They are worried. They have seen their hospital downgraded over time, and seen the number of opening hours at the emergency department cut.

We are also hearing that there are patients who the staff would like transferred, but they are not being able to transfer them to another hospital, and are then asked to look after another patient overnight at the Mersey without access to the emergency department. The staff are really concerned.

We are seeing around the world that what COVID-19 actually does is shine a spotlight on existing problems and highlights them. We have seen around Australia and indeed around the world the impact of coronavirus on nursing homes and that is being reviewed around the country and the world, but what it comes down to is lack of staffing, a lack of nurses on duty and so on, and it shines a light on existing problems.

Coronavirus has also shone a light on the existing problems at the Mersey. They have been around a long time, including the heavy reliance on locums. The lack of recruitment of specialists and emergency medicine professionals has been a longstanding issue. Recruitment is a problem. Why is recruitment a problem? What specific actions is the minister taking to recruit to the Mersey? Apart from telling the department to recruit some more doctors, what specific actions are they taking? Who have they engaged? Have they just put an ad on Seek? What additional things are they doing? Are they thinking about maybe changing the structure of working hours? What can they do to make the Mersey more attractive to solve this problem, rather than continually relying on locums?

The minister, in her answer today in question time, talked about the recruitment of locums being difficult in the country. Yes, but recruiting locums to the Mersey will only ever be a temporary solution. What we need is a recruitment process that can bring doctors and the specialists we need there to stay, not to be reliant on locums who come in for a couple of days and go again. Patient care is much better when you have a medical professional who is there on a regular basis and gets to understand the community's needs and wants. We need a solution. We do not need more words. We need recruitment at the Mersey.

Time expired.

[11.51 a.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the people of Tasmania deserve and expect to have quality healthcare services and that means quality in what is provided in a

compassionate environment, in facilities that are fit for purpose and in a timely fashion. These are all things that Tasmanians have a right to expect and the Government is duty bound to do everything it can to make sure that is what our publicly raised taxes are put into and deliver.

Fundamentally, we are talking about an issue of how services are delivered as well as how much money goes into the provision of services. The Greens have long pointed to the fact that this Government came in six years ago and immediately cut hundreds of millions of dollars out of the health service. That has left a massive hole which has been impossible for the Government to catch up with. We have the worst ambulance ramping in Australia and the highest elective surgery waiting lists, with people who are waiting in pain and great anxiety to have colonoscopies within the required time frame to see if they have bowel cancer, but failing to be able to do that because the services are not available. We have people with serious health issues and in a lot of pain unable to get elective surgery to fix those things within anything like the necessary time frames.

That is the background, but the other issue is about the delivery of services and how that is done. The interim report on the north-west outbreak and the comments made by the Director of Public Health and Dr Anthony Lawler make it clear that one of the three things that led to that outbreak were cultural and behavioural issues. These are important because they underpin trust, they underpin the capacity for teamwork and they underpin the quality of good communication. All of these things are fundamental to a functioning health service that delivers in a compassionate, timely, efficient and effective fashion.

We will wait to hear the result of the committee's work looking at the north-west outbreak but there is a lot of work this Government needs to do on being able to set the culture across all departments to ensure that the delivery of services, not only in health but in all areas and departments, is done fairly and without any maladministration.

We are concerned with the yawning gap which the Government continues to avoid responding to, which is the requirement to be able to hold senior public servants or any public servants to account for maladministration or misconduct. A report was tabled yesterday by the Integrity Commission which points to serious misconduct and maladministration by a senior health department official. I will not go into the details of that person but I will say it included serious conflicts of interest, behaviour which involved victimisation, intimidation and improper punitive action of staff, the taking of equipment for personal use and personal gain and a whole range of other things which are incredibly serious.

This person and their actions, however, cannot be held to account because they resigned a month before, I understand, some period of time before this report was released. Why did that happen? I cannot speak to that individual's motives but I can say what the effect of those motives are, which is there is no challenge to the culture in the Health department to change what they do. There is no way of being held to account and there is no crime in Tasmania for misconduct in public office, just as there is no crime for maladministration.

I want to make the point, which is pretty obvious to everyone working in local government, that this Liberal Government has dual standards in this regard. The local government review and the Government's own amendments to the Local Government Act that are being prepared recommends that there is a crime of maladministration for people in local government. If it is good enough for local government to be held to account, why isn't it good enough for state servants and members of parliament to be held to account for the actions that

we take? Why isn't it good enough for contractors, volunteers, statutory office holders, to be held to account, as well as ministers and members of parliament?

According to the Integrity Commission's Interjurisdictional Review from 2014, we are the only state in Australia that does not have a misconduct in public office offence. How can this be the case? Can we not see the obvious implications it has when we have leaked documents from the secretary of DPIPWE showing that there was this unholy relationship with a senior lobbyist from industry to get access to essential workers coming into the state?

Surely we can see that this leads us to a situation with ministers, members of parliament and senior public servants not being able to be held to account. What we have to do is bring in that crime of misconduct in public office. That is something the Greens have been pushing for a few years and we will continue to uphold that.

Time expired.

[11.58 a.m.]

Mr ROCKLIFF (Braddon - Minister for Mental Health and Wellbeing) - Mr Deputy Speaker, I thank Ms Dow for bringing forward the matter of public importance on north-west health services, which all members of Braddon and of course our Health minister are very passionate about.

I thank our very dedicated Health staff right across Tasmania and the north-west region, paramedics, those in hospital settings, primary health care settings, including our community settings as well such as aged care and disability services, who have done a fantastic job through what are some very challenging times.

Having been a member of parliament for 18 years, the issues of north-west health services have come up very regularly and there has been a lot of community discussion about the importance of sustainable health services and safe health service provision across the north-west coast for decades. There was a time when the clinical services plan was debated, as well as the realignment of acute care services across the north-west coast, which I was involved with. I remember giving the government at the time that bipartisan support because we all want a safe and sustainable health service and the Mersey Community Hospital is crucial to that.

That became apparent throughout the height of the COVID-19 pandemic where the north-west was effectively in lock-down and the Mersey Community Hospital played a crucial role in supporting the health service provision across the region and more broadly. It is important that we provide those safe and secure services and that is why it is important also to recognise and acknowledge our Government's commitment to health, more broadly, but also to the Mersey Community Hospital. It was an historic deal a few years ago in around 2017 where we secured the services of the Mersey Community Hospital by a $730 million deal with the federal government which provided that long-term certainty and security.

Dr Woodruff mentions funding for health services. This Government has clearly demonstrated its commitment to additional funding for our health services right across Tasmania, and of course the north-west.

Dr Woodruff - Only after you cut it so much in the first place.

Mr ROCKLIFF - Dr Woodruff mentions cuts. I have been around for some time and I well remember the 2011 budget which was savage on our health service delivery right across Tasmania; the $100 million or more was cut out of the health system there. The previous government, a Labor-Greens government, closed wards, shutdown beds, closed beds and staff were effectively sacked, reduced. I remember a time where the member, Ms O'Byrne, as Health minister sacked a nurse a day for nine months. It has taken some time for our community to recover from that.

There is a clear demonstration from our Government of our commitment to health services and fixing, righting the wrongs, of savage budget cuts in that 2011 budget.

Of course, we all want the return to the full 24-hour service of our Mersey Community Hospital. I know the hospital very well and I know our Health minister is working very hard to achieve just that. It is important that our health services are safe and sustainable.

It is very important also that we take the politics out of the health discussion as much as we can and I want to commend our local leader, the Mayor of Latrobe, Peter Freshney, for the way that he has conducted himself in his leadership over what is a very challenging issue particularly for Mr Freshney's local community. He expressed his disappointment with a reduction of hours in the Emergency Department. We are all disappointed, of course we are, but he recognises the challenges that we have during these times. We all want the ED to provide that 24-hour service but he expressed his support for our Minister for Health, Ms Courtney, and the Secretary of the Department of Health and has said, and I quote Mr Freshney:

> They have my unequivocal support and I will continue to assist in any way possible their attempts to protect our frontline staff and provide safe and sustainable health services ….

I commend Mr Freshney, the Mayor of Latrobe, for what is tremendous leadership through some very challenging times.

With my mental health and wellbeing responsibilities, in terms of the services to mental health across the state, I want to improve the physical health of Tasmanians and also the mental health and wellbeing of all Tasmanians. In my portfolio of Mental Health and Wellbeing, we are investing over $100 million into mental healthcare services over the next six years with a focus on the community sector, additional staff and investment in new facilities.

We recently undertook a large body of work through the Mental Health Integration Taskforce to identify best practice ways of providing a system of integrated mental health care so that people can get more holistic support at the right place and at the right time. A key focus of this project is the development of a hospital avoidance program which will define new and improved pathways as alternatives to attending emergency departments. This will include working more closely with GPs. The intent is to look at how these initiatives can be rolled out statewide, including the north-west region.

Time expired.

Matter noted.

INAUGURAL SPEECH

Felix Ashton Ellis MP, Member for Braddon

[12.06 p.m.]

Mr ELLIS (Braddon - Inaugural) - Madam Deputy Speaker, ngaji gurrjin. Ngayu nilawal Felix. I have come a long way from Bardi and Yawuru buru. I want to pay my respects to the Traditional Owners of this land and their elders. I also want to acknowledge any veterans watching today. To you and your family, a grateful nation simply says thank you.

In 1927 a baby was born in Lithuania, a small Baltic nation in eastern Europe. As a boy, Albert Lenigas was a gifted musician, played the trombone and the double bass. His father was the conductor of the Jewish orchestra in Kaunas, in Lithuania's second city.

Like so many people of that generation, his life was torn apart at a very early age by the horrors of war. Lithuania was invaded first by the German National Socialists and later the Russian Communists, and their family was forced to flee. He was there in the bombing of Dresden. He was there in a displaced person's camp just outside of Auschwitz. When his father died of a broken heart from leaving his country, he was forced as a young boy and the eldest of the family to feed his family and do what he could. He would carry bricks on a wooden sling on his back between the buildings of the bombed out cities of Europe so that he could provide for the ones he loved. But he never lost hope.

He and his younger brother, also a gifted musician, could not find the instruments that they played, but through it all they practised their instruments in their heads. In many ways they were the lucky ones because when the Soviet Union came through the eastern front and the Iron Curtain descended upon Europe, they found themselves on the American side. They were picked up by the American Army, not as soldiers but as musicians. They played with Louis Armstrong and some of the jazz greats of the age, to civilians and soldiers as the Marshall Plan rebuilt Europe.

When he had done his time, Albert was offered resettlement anywhere he wanted in the free world. He chose a country he knew very little about on the other side of the world - Australia - because it was a young nation, a free nation, a nation where he and his family could find opportunity. He came out to Australia and he built this country. He was in Tasmania working in mines, he was working on the Snowy Hydro, he was putting pipelines through the South Australian desert. It was there in South Australia that he met my grandmother, Tony. They married up, settled down, and they moved to Brisbane where they owned a corner shop and had six kids. They passed on to them the values of hard work, dedication, and of doing what you can to look after your family.

Alby was an ordinary man who lived an extraordinary life. As an artist, a musician, a painter, a ratbag and a larrikin he lived an extraordinary life of the mind and never let his material circumstances limit him, nor the hard times define him.

So it was that his second child, Isabelle, my mum, is also an ordinary person who is living an extraordinary life. She is a nurse and my dad is a plumber. They met in a small Northern Territory town in the Gulf of Carpentaria called Borroloola. Mum was working there as a remote area nurse. One day the Royal Flying Doctor Service was coming into town to pick up a patient to take them into hospital in the city. They could not get in because it was night time,

so my mum ran around to the Borroloola pub where she knew she would find someone and there she found this scruffy looking bloke, Pete the plumber, and they ran around town and collected every Dolphin torch they could find and laid them out along the Borroloola airstrip, lit the way and the plane landed safely and took the patient to hospital. A few days later a romance was formed over dinner at the Borroloola pub.

My parents have taught me the values that I live by. From my mum, I learnt to be kind as well as strong, to serve others and the value of self-sacrifice. She has probably prayed for me every day of my life. From my dad, I learnt how to be a good man and that it is not easy. He also taught me that if your dad does not have a beard you have two mums! He also taught me that that is okay as well.

In 1989, my parents moved to a small Aboriginal community in the remote Kimberley region, Bardi country, a place called Lombadina. Mum was heavily pregnant with her first child, me, and the Berlin Wall came down and Lithuania was soon to be free. But we never went back to Lithuania because, as my grandpa said, Australia is the greatest country in the world and we are Australian now.

I remember when we moved up there and I was still a boy they closed the Bungarun leprosy facility, the last of its kind in Australia. The people from that place who had been locked up for 50 years were then able to go back to their communities and back to their country. I remember as a little boy, with my brothers, we would go into the clinics where mum was working and caring for some of these people. We would help out in little ways looking after the old people. We would help by feeling the backs of their knees for the symptomatic swelling that happens to be a sign of leprosy.

These people had been institutionalised for nearly their whole lives. They were told that they could not achieve anything, they could not mix with their community and make a contribution. But my Dad gave them a job working on the backhoe, digging trenches and laying pipes as he was putting in the deep sewer on the Dampier Peninsula. The look of pride in people's eyes when they knew that they earned the dinner on the table that night was simply priceless. They called it Pete's leper game and gee they did a good job. It is not quite a log cabin story but it is a bark shack story. The bark shack where we grew up as sons of a nurse and a plumber who told us that when good people serve those who need it, then there can be hope in the hearts of all people for brighter days ahead.

When George Washington Carver, the man who invented peanut butter, spoke on one occasion he said that when common people do common things in uncommon ways they command the attention of the world. Who are these common people? They are a farmer, a teacher, a nurse, a mechanic, a publican and a plumber. What is this common thing? It is to serve our community, but the uncommon way we are doing it in this place and at this time is to keep our community safe from the worst global pandemic in 100 years.

Madam Speaker, I learnt a great many things as a plumber and, if you will forgive me, life as a plumber taught me that shit runs downhill, payday is Thursday, and not to eat lunch with your fingers! That one is for real!

It also taught me hard work, humility, practical problem-solving, and it put me in the homes of people from all walks of life all across this beautiful country. It showed me that it does not matter who you are, whether you are a pensioner living in a council flat, or whether a

well-to-do family in a big house by the beach, none of us want to do our business in the backyard. It points to a common humanity we all have that I learnt and I believe in this time of global pandemic we are learning once again of the spiritual and biological reality of our common humanity. We are all in this together.

When President John F Kennedy made his inaugural speech he spoke of a long, twilight struggle against the common enemies of man - tyranny, poverty, disease and war itself - and he called upon a new generation to bear the heavy burden and to pay the heavy price. He spoke at that time in the context of the Cold War. Perhaps it is fitting that I come into this place as the first person to sit here who was born after the fall of the Berlin Wall, and the first person elected after the start of the global pandemic.

I say to my generation that has been tasked with this extraordinary effort, that we must bear the brunt so that others do not have to. I say to my generation that we must bear that heavy burden once more. We must pay that heavy price, not because it is easy but because it is our duty to do what is right. It will get harder before it will get easier and the actions that my generation take will keep safe my grandpa's generation, the generation that built this country, that built our peace and prosperity, that built our future. We owe it to them and we will do what it takes.

I also say to the generations who have gone before us know what it is that you are asking us to do. The focus must be on combating this global pandemic but we must never lose sight of securing the future. I believe it is the wish of all decent people that the next generation will live better than the last and the actions we take in this place must be prudent and measured. Everything we do here takes from the hands of our young people and our children, both born and unborn. The debt must be repaid with greater opportunity for our young and brighter days ahead.

We need to build our state once more. We need to do the heavy work. I ask not as a rich son of a rich father but as the son of a plumber. What can you do to build our future?

Madam Speaker, if you will permit me to digress, I have a few thank-yous to make.

First, and most importantly, to the people of Braddon: thank you for placing your trust in me. I will not let you down.

To my beautiful wife to be: Margot, you are the queen of my heart. Through you, all things are possible. One day I know we will bring a family into this world, and when our children come of age, I pray that Tasmania will be a place of opportunities, unmatched anywhere in the world, and I hope that my actions in this place can contribute to that.

To my mum Isabelle, my dad Peter, my grandparents, Tim and Sandra, all my brothers and my sister: thank you for making me the man I am today.

To those who have put food on my table over the years - Bernard and Delores Byrne, Chris and Maud Bramich, the Allen family, Kurt and Susan Hartnett: thank you.

Thank you to Richard and Gaylene Colbeck, and thank you to those who have mentored me in public life so far: Roger and Stephanie Jaensch, Jeremy Rockliff, Sandra Knowles, Adam Brooks, Tanya Denison, Gavin Pearce, Megan McGinty, and a special thank you to Joan and

Rod Rylah. Joan, you got our community back on its feet in the north-west coast, and I thank you for that. I also thank you for passing the torch to a new generation.

I also thank all the people who took a shot on the young bloke and worked flat-out on his campaign: Eric and Anna Mobbs, Brett and Sue Whitely, Lyn Page, Daniel Harris, Nigel and Richard Morgan, and too many others. I probably cannot thank you enough.

I acknowledge the examples of those who have gone before, and who have done the right thing in the world: Washington, Wilberforce, Christ, King, Lincoln, Churchill, Menzies, Curtin, Howard, Hawke, Reece, Gray, Pearson, Dodson. I know I cannot live up to your example, but gee, I will try.

Our island community has been counted out in the hard times before, but we have always stood up. In 1870, British writer, Anthony Trollope, wrote of Tasmania that it was sad to see a British colony whose best days were behind it - but less than a year later, a farmer from Forth, James 'Philosopher' Smith, discovered a mountain of tin at Mt Bischoff near Waratah that became the richest mining town in the world, and the future of the colony was secured.

In 1912, the North Mt Lyell disaster took the lives of more than 40 men as fire ripped through the economic engine room of our state - but less than two years later, the Hydro-Electric Commission was formed. That began one of the most ambitious engineering projects anywhere in the world, and formed the backbone of our economy for generations.

In 1939, Joe Lyons, Tasmania's only prime minister, died while in office at the dawn of the Second World War. By 1943 his darling wife, Dame Enid, had stepped into his place, and later sat in the Menzies Cabinet that rebuilt Australia.

In 1975, the Tasman Bridge came down and cut our capital city in two, but it was the ferryman, Bob Clifford, who united the capital and kept people together. He founded Incat at that time, which went on to become one of Tasmania's greatest manufacturing stories.

Less than 10 years ago, our forest industry collapsed, Caterpillar had gone to Thailand, and people were leaving our state in droves - but under new leadership, Tasmania is prouder, stronger and more confident. We are in many ways the envy of the nation.

We have been counted out in the hard times before, and we have always stood up, because that is who we are as Tasmanians. It is the indomitable spirit, that iron will. It was summed up in the creed of the old Abt railway workers: 'We find a way, or we make one'.

Albert Einstein, another Albert, said on one occasion -

> If I had my time again I would not choose to be a scientist, or a teacher, or a scholar, but instead I would be a plumber for the hope of some modest independence which is still possible under the present circumstances.

And it is that spirit, that independence, that forms the basis of so much that is good in our world, that animates the generations throughout time, that animated my grandfather's generation and my parents to brighter things and brighter days.

It was called the American War of Independence, and though it was also a war for freedom, it was not that; and though it was also a war for democracy, it was not that too. It was, as it says on the box, a war for independence - that a free people be able to choose their own destiny and their own future.

In 1989, two million people held hands and formed a human chain across 675 kilometres through Lithuania, Latvia and Estonia, and demanded of the evil empire that they be free, that they are independent nations, they have the right to choose their own destiny, and they have the right to choose their own future.

We know of this basic human impulse well in Tasmania - that small independence that you would own the family home, have a decent job, and you could still find time to catch a few flathead in the Mersey.

We must renew again our commitment to a larger independence. Tasmania has begun the great project of standing on our own two feet, of providing for our own future, of determining our own destiny. We must make the hard decisions in this place, so that we can all look people in the eye and say that we are earning it, that we have earned it, that we earned it in the past, and we passed the torch to the next generation. That is what it is to be independent.

There will be people who tell us it cannot be done, but I say to you today that it must be done. I come from a place in Western Australia that is vast and barren; in many cases grinding isolation and poverty as a way of life. Western Australia was the recipient of special assistance through the Commonwealth Grants Commission for decades, but then the hard decisions were made that Western Australia would finally stand on its own two feet. Through that same determination that we know well here it was achieved, and Western Australia is now one of the richest jurisdictions in the world. It can be done, it must be done.

In Tasmania, it is time for the transformation that we wish to see in this place. We are a land of abundant natural resources, beautiful fertile soil, of ingenuity amongst our people that is unmatched almost anywhere in the world, and we have that human spirit that says we will be independent and be free.

Our federation has been hard on Tasmania for more than 100 years, through laws around shipping, industry, the environment and much else besides. It is time for us as Tasmanians to take extreme ownership of our future, of our destiny, so we can stand amongst the community of Australian states, and amongst the community of free peoples, and say that we are independent, and that we got there under our own steam. We must harness again that creed, 'We find a way, or we make one'.

Madam Speaker, I say to you today that there are brighter days ahead, even in the dark times. In a time of global pandemic, I have seen it on the north-west coast. We are blessed to live where we live, and live the kind of lives that we lead.

There are brighter days ahead, for the young mum from Burnie with two kids she is raising with their grandma, but still finds time to go to night school to educate the next generation. There are brighter days ahead for the bloke driving trucks from Smithton, who still finds time to pull on the boots and play footy on the weekend. There are brighter days ahead for the young bloke from Port Sorell, who is working down the west coast and has finally

become the family man he always wished he could be. There are brighter days ahead for the nurse from Devonport who is working the extra shift so she can pay the wages in her hubby's business this week. For the farming family on King Island who do not know if the kids are going to take over the farm they are still expanding anyway because it will provide jobs for locals, there are brighter days ahead. There are brighter days ahead for the paramedic who has come down from the mainland to Turners Beach with his family so he can buy a house and follow a dream. To you, my brother, I say there are brighter days ahead. There are brighter days ahead for the first-year apprentice from Devonport, the first person in her family for two generations to go to work.

History is written by those who show up. If it is us in years hence how it was that a young plumber from a bark shack in the middle of nowhere, of Lithuanian descent, came to sit in this place, then let history record it. I showed up because I believe that in Tasmania there are greater days ahead. Gala mabu - let's get stuck into it.

Members - Hear, hear.

LAND USE PLANNING AND APPROVALS AMENDMENT (MAJOR PROJECTS) BILL 2020 (No. 26)

Second Reading

Resumed from 25 August 2020 (page 98)

[12.32 p.m.]

Mr JAENSCH (Braddon - Minister for Planning) - Madam Speaker, this is all going to seem rather feeble after that. I take this opportunity to congratulate my colleague and friend, Felix Ellis, member for Braddon, on that extraordinary inaugural speech. Like others who have heard it and will view it in the future, I have seen the first of many significant contributions from this remarkable young Tasmanian. I am looking forward to more of that.

Madam Speaker, when I was interrupted by the end of business yesterday I was in the process of wrapping up my contribution and responding, in particular, to the contribution made by Ms O'Connor in regard to the major projects bill. I was on the topic of her comments regarding the desirability of a disallowable motion inserted in the process, particularly with regard to the declaration of a project to be a major project.

I point out that insertion of a disallowable motion in the process would typically require there to be a prescribed period for that motion to lay on the table of both Houses of parliament. Depending on the timing of that laying on the table, that period could extend to months, particularly if sittings of parliament were interrupted by things such as the winter recess period unless that motion was brought on for debate in both Houses to resolve the matter.

Either way, having a disallowance process could undo two vitally important objectives and principles that have been built into the major projects process: the saving of time and process for the assessment of a project so it can save money and get underway, but also the principle that we have built in of reducing wherever we can political decision-making and uncertainty.

This does not matter so much in the context of the projects of state significance process which can extend over years, but it can make a huge difference to the shorter time frames of the major projects process which is aimed to conclude its business within one year. Deciding eligibility of a project through a vote in parliament is the opposite of what we have been told we need to try to do: to remove politics and political decision-making from planning assessments and decisions.

The process as currently described currently in the bill provides strict criteria guidelines to apply them. It requires consultation and a public report on reasons for a declaration and a vote from the parliament requires none of these things and would remove those values from the process.

Ms O'Connor also asked if the major projects process and the provisions we have in the bill cover reserved land. The answer to that is that the major projects process is a process under LUPAA so the major projects process can apply on all land where LUPAA applies. Landowner consent is required from DPIPWE for any declaration on a major project and the major projects process importantly does not include any authority under the National Parks and Reserves Management Act, so all normal approvals processes would need to be observed, and the act and regulations do not allow anything to be approved that is not allowed under the relevant management plan for a reserve.

Ms O'Connor also asked about the EPEC bilateral agreement -

Ms O'Connor - It might be getting knocked off in the Senate.

Mr JAENSCH - I think we dealt with that through interjection as she was speaking. She referred also to the Planning Commission review and there has been a fair bit of fearmongering on this issue through -

Ms O'Connor - It's only because the communities that are called 'illegitimate glow-worms' don't trust you.

Madam SPEAKER - Ms O'Connor, please show respect to the speaker.

Mr JAENSCH - There has been a fair bit of assertion during the public discussion on major projects that there is a conspiracy here to somehow nobble the independence of the Planning Commission through this review process in a way that is associated with the major projects bill. The review has been undertaken precisely to ensure that the TPC remains independent and effective in its role in a changing planning system and at the base of any review, which I have not seen a report from yet, is the absolute certainty that any changes to the Tasmanian Planning Commission Act would need to be passed through both Houses of this parliament to take effect, so there is another conspiracy theory that we can safely put to rest.

I am aware that Labor has circulated some draft amendments to the bill but has not yet tabled them. I will indicate that we find the amendments problematic but are happy to discuss them and there may be elements we can agree to.

I do not know of other members proposing any amendments. They have not flagged any. There has been a sad lack of detailed scrutiny of the clauses and the mechanisms of this bill. I am disappointed that with the build-up we had only one speaker from Labor. I am concerned

that the party that went to the extent of telegraphing their support for the bill for quite some time have now circulated amendments but not tabled them. I believe that some of those amendments in their proposed form undermine very important principles that underpin the bill -

Ms Dow - Madam Speaker, I tabled the amendments yesterday. They have been formally tabled.

Mr JAENSCH - Have they been tabled?

Ms Dow - Yes.

Mr JAENSCH - Okay, thank you. I understand there is an indication to go into Committee and I look forward to further discussion there.

Before I wrap up, I acknowledge that this bill has had a long journey and many drafts. It has had extensive consultation and contributions from many people. I acknowledge some of them in my summing up. My colleague, Elise Archer, as our spokesperson on planning carried this as our policy in 2014. My colleague and now Premier, Peter Gutwein, as minister for Planning bought it in our first term of government. Along the way they have been served by many advisers and public servants working in our system and stakeholders across our community.

In particular, I acknowledge the work of Brian Risby, Leigh Stevens, Andrei Norris and Brooke Craven from the Department of Justice. I acknowledge the Tasmanian Planning Commission for the advice that has been provided over time and the Local Government Association of Tasmania, Dion Lester and Katrena Stephenson, in particular, as well as members from EPA, Aboriginal Heritage Tasmania, the Department of State Growth and DPIPWE who have given excellent service in consultation on the final form of the bill as we have it right now; and Robyn Webb and her team at OPC.

Everyone will agree this is an enormous and complex piece of work and we have benefited greatly from their talents, as we do every day in this place. I give particular thanks to David Palmer and Anthony Reid from my office who have assisted me through the process of understanding and improving and putting our own stamp on this bill in our turn, to refine it and get it right, and hopefully deliver it with the support of others.

I thank all members, I thank my colleagues, John Tucker and Nic Street, for their contributions and their support and interest in this bill, in this debate.

I commend the bill to the House.

Question - That the bill be now read the second time -

The House divided -

AYES 22	**NOES 2**
Ms Archer	Ms O'Connor
Mr Barnett	Dr Woodruff (Teller)
Dr Broad	

Ms Butler
Ms Courtney
Ms Dow
Mr Ellis
Mr Ferguson
Mr Gutwein
Ms Haddad
Ms Hickey
Ms Houston
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie
Mr Rockliff
Mr Shelton
Ms Standen
Mr Street (Teller)
Mr Tucker
Ms White

Motion agreed to.

Bill read the second time.

LAND USE PLANNING AND APPROVALS AMENDMENT (MAJOR PROJECTS) BILL 2020 (No. 26)

In Committee

[12.48 p.m.]

Clauses 1 to 3 agreed to.

Clause 4 -
Section 3 amended (Interpretation)

Ms DOW - Mr Chairman, I move the following amendment -

Part 1 section 3 of the Principle Act be amended as follows in relation to definitions.

By inserting the following definition after the definition of development:

donation -

(1) For the purposes of this Act, a donation is -

(a) a gift made to or for the benefit of a political party registered in Tasmania; or

(b) a gift made to or for the benefit of a Member of the Tasmanian Parliament; or

(c) a gift made to or for the benefit of a candidate or an intending candidate for an election to the Tasmanian Parliament; or

(d) a gift made to or for the benefit of an entity or other person (not being a party, a Member, a candidate or an intending candidate), the primary purpose of which was used by the entity or person -

(i) to enable the entity or person to make, directly or indirectly, a donation to a Party, Member or candidate; or

(ii) to reimburse the entity or person for making, directly or indirectly, a donation to a Party, Member or candidate.

(2) A gift to an individual that was made in a private capacity to the individual for his or her personal use, and that the individual has not used, and does not intend to use, solely or substantially for a purpose related to an election or to his or her duties as a Member, is not a donation.

Also by inserting the following definition after the definition of Executive Commissioner -

gift, for the purposes of this Act, a gift is any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

Ms HADDAD - Mr Deputy Chair, the reason for moving these two amendments - and I know that on the second reading yesterday it was commented, I think by the independent member for Clark, that these -

Ms Ogilvie - I think they are in the wrong spot.

Ms HADDAD - She is not wrong. They will hopefully one day be incorporated into the Electoral Act as well.

However, the reason for moving these two amendments today is that our subsequent amendments refer to these terms, 'donation' and 'gift'. For that reason, it is necessary for the principal act, LUPAA, to have definitions attached to those terms, in expectation that the following two amendments would become part of the principal act.

Dr WOODRUFF - We will be supporting this amendment. The Greens have always supported political donations reform in Tasmania.

We are in a sad situation where we have to amend individual acts in order to be able to put some restraints on the power of lobbyist-influenced decisions made by ministers within government, and by government policy. This is not a good state for Tasmania to be in. We have languished behind other jurisdictions in Australia, and that has been noted for a long time. We are continuing to see the evidence of undue influence over departmental and ministerial decisions by lobbyists.

The only way Tasmanians get to see that is when right to information requests are made, and that evidence comes to light. It is clearly not made obvious, the role that political donations have over the decisions of government, and indeed over the course of elections. We only have to look at what happened in the 2018 election to understand the role of undue influence by lobby groups and big money that has not only bought decisions, but has in fact bought an election.

The 2018 election was bought by money from Federal Group. It was bought with a purpose of making sure that this state does not bring in the best pokies legislation in the country. We were on the brink of being able to do that. It was clear that the Farrell family knew exactly what they needed to do to secure their investment for the next quarter of a century, and they did just that. They poured a river of money into Tasmania - a sea of blue was across the landscape. The social media spaces, the newspaper spaces, the television spaces - every single bit was bought, and bought to the hilt. What we had was the best evidence you could ever gather for why we need political donations reform in this state.

Since then, despite the Premier, and the past premier Will Hodgman, waving their hands around and pretending to be interested in doing something about this situation, we do not have the bill before us. We do not have anything to debate in this parliament.

We are two years out from the next election, and Tasmanians want to see a free and fair election. We want our democratic institutions to be not only maintained, but improved, because they are in a parlous state - and the evidence is the decisions that are made in secret with huge implications for the purchase of land around Australia, and the gifting of public open space, Crown land, to big developments.

In the context of this bill, in the context of the decisions that would be made under call-in powers and major projects legislation, this is an essential component but it is much bigger than this bill, and much bigger than development decisions. It goes to the heart of everything that we do in Tasmania.

In order for us to be able to be confident that we will sail into a place of improving democracy, we need to have that legislation. A commitment from the minister about when the Government will be providing the legislation to the House, to put a rein on political donations and the unholy influence they have over decisions, will be very welcome.

Ms OGILVIE - I will be very brief. I did say that I am supportive of electoral reform; the more transparency we can have, the better. Given that this amendment, and the following one, does relate to how we manage elections, my view is that it is better placed in that push for electoral reform, and I will be inclined to support these kinds of efforts in that place.

I am reluctant to agree for it to go into the major projects bill, because if we do that, then we have to look at all of our acts, and start asserting these types of rules as well - maybe that is a task we need to do.

However, I would like to see some deep thought given to this issue, not just in relation to money that is donated in elections, but all resources that are provided. Having been through a capped election campaign through the Legislative Council process, I do think there are learnings we can draw upon there.

However, I am not going to support this amendment because I believe it needs to be in the Electoral Act, and I certainly would be warmly supportive of those discussions.

Ms O'CONNOR - Mr Chairman, just briefly, the difficulty we have in responding to Ms Ogilvie's contribution is that the review that was established after the 2018 state election into potential electoral reform in Tasmania has stalled.

There have been numerous deadlines that have not been met, and there has been a typically lukewarm response from the Premier, sadly, to the desperate need for electoral reform in Tasmania. In fact, at the last state election when I said we have the weakest donation laws in the country, ABC Fact Check tested that claim and found it to be true.

I note a Labor member has a bill on the table, but in the absence of commitment from government to reforming electoral law in Tasmania - not even a commitment yet to delivering on a review that had deliberately narrow terms of reference - we need to be finding every way we can to install integrity in this piece of legislation, because it is not like many other acts. It is legislation that sets up a nexus between developers and the minister of the day.

We have seen in New South Wales, where they had similar legislation in place, they actually had to rein it in, because what happened was you had a conga line of developers going up to the planning minister trying to get special treatment, so their projects could be declared major projects.

Regrettably, this legislation - and that is why there is so much concern in the community about it - does lay out the foundations for corrupt and improper dealings. I am most certainly not pointing to the current minister - not at all - but through this legislation, it is entirely possible that you will have improper influence and improper dealings happening between a developer and the minister of the day, and that developer - the company they represent - may have given a substantial contribution to the party that the minister of the day belonged to, hoping to be able to influence an outcome to their commercial benefit.

We should, as legislators, be prepared to acknowledge that we do not have good electoral laws in Tasmania, and therefore with legislation like this, it is critical that we bolster it with some integrity provisions, which is why the Greens are supporting this amendment and its associated amendments.

[1.00 p.m.]

Mr JAENSCH - Mr Chairman, we will not be supporting the amendment.

The major projects bill is an amendment to the Land Use Planning and Approvals Act 1993. It is not the place for political donations reform.

Sitting suspended from 1 p.m. to 2.30 p.m.

WAIVER OF GOVERNMENT PRIVATE MEMBERS TIME

Mr STREET (Franklin) - Madam Speaker, in accordance with standing order 42(d) government private members will waive their private members time today.

LAND USE PLANNING AND APPROVALS AMENDMENT (MAJOR PROJECTS) BILL 2020 (No. 26)

In Committee

Resumed from above.

Clause 4 - further consideration.

Mr JAENSCH - I was talking to Labor's amendment no. 1 and by extension Labor's amendment no. 2 as well, on a similar topic. My comments on this will apply to both of them.

I had commenced by saying that the major projects bill is an amendment to the Land Use Planning and Approvals Act 1993. It is not a bill about political donations reform. I understand that Labor and Greens together, it seems very clear, are using this as a vehicle as they have other bills in this place, to assume -

Ms O'Connor - So you are correct about this, it is a Labor amendment.

Mr JAENSCH - You seem to be doing it with remarkable enthusiasm though, speaking on this as well.

Ms O'Connor - We are always enthusiastic about cleaning up politics, minister.

Mr JAENSCH - You are doing this together and you are both supporting this amendment, so it is a Labor and the Greens -

Ms O'Connor - If you are implying collusion on amendments, please stop it.

Mr JAENSCH - convergence, more to the point, on this amendment.

That is fine. You can have a strong feeling about this matter. There has been, and will continue to be, other settings for debate on those electoral matters in this place.

The Tasmanian Resource Management and Planning system does not ask who proposes a development, only what it is and how it affects land use. I understand that Labor's first and second amendments seek to prohibit certain persons from having access to statutory processes under our planning system, based on their political association and communications. That is a matter which should be subject to lengthy and informed legal debate with regard to its potential discrimination, its relationship to the constitution and various other matters. It is beyond the

scope of this debate here, which is talking about planning assessments using existing laws and a different process for applying them to certain types of projects.

There is another time and place for these discussions.

Ms O'Connor - When will that be, minister?

Mr JAENSCH - Ms O'Connor, I ask you to direct those questions to the Attorney-General, to the Premier and others.

Ms O'Connor - I have and have got nowhere.

Mr JAENSCH - I am not here today to debate those matters.

Ms O'Connor - You should have the flexibility to fix your bill then.

Mr JAENSCH - What I am interested in is getting these planning laws right, to be able to use our existing planning instruments more effectively. I want to send a signal to those who want to invest in Tasmania and get things done that this is a place that has the right settings, the right statutory processes set up and the right attitude to applying them to make things happen.

I am very concerned beyond the legal matters that Labor, having spent the last month telling people that it is going to support this bill to send a message because they want to be part of going forward and planning and growth for Tasmania, is now sending a very different message that says in their second amendment, if you have donated anything to any political party -

Ms O'Connor - And you are a developer.

CHAIR - Order, Ms O'Connor.

Mr JAENSCH - or a member or a government in the last three years, you are not welcome in this process. You may not participate in a land use planning assessment process. What is the message that is sending about Tasmania at this time when we are saying we need to build our way out of the economy?

Mr Ellis stood here and so beautifully talked about the challenge and the obligation that we have to take Tasmania forward. What would Jim Bacon say about it? What would 'Bluey' Lennon say about what Labor is putting on the table here today? What they are putting on the table says, we are going to put a rope around the planning system in Tasmania and if you have made any donation or provided any support to anyone in any party in this parliament over the last three years you are not welcome here. Shut the door. You are out. What is Dick Adams going to write this up as in his next missive on where the Labor Party has gone wrong? What is going to happen there?

Ms O'Connor - What a trifecta of luminaries you have just rattled off.

CHAIR - Order, Ms O'Connor.

Mr JAENSCH - I do not know what Labor thinks it is doing, saying that it is supportive of this legislation in its intent and principles and then coming in here and putting up a ban on certain classes of people based on their past historical political affiliation. I am going to leave the legal assessment of that to bigger minds than mine but I am very comfortable in stating our party's non-support for the proposed amendments and those matters which are more rightly taken up in an electoral reform debate.

Ms DOW - I am speaking on the first amendment which is critical to the second one but for all intents and purposes the amendments that we have moved as part of this process today are in response to concerns that were raised in the community about a number of issues. We felt that it was important to have those examined in this forum, in the parliament, and for there to be adequate debate about that. That is why we are putting forward these amendments today.

Amendment negatived.

Clause 4 agreed to.

Clauses 5 to 11 agreed to.

Clause 12 -
Part 4, Division 2A substituted

60C. Proposal that project be declared major project

Ms DOW - This amendment goes to clause 60C(4) and is amended as follows -

After paragraph (b) insert -

(c) be accompanied by a statutory declaration made in accordance with the Oaths Act 2001 and signed by each of the Managing Director and Chair of the Board (or equivalent) of the proponent, disclosing any donation or gift made by the proponent or its agents in the previous three years to any Member of the Tasmanian Parliament, any Candidate for election to the Tasmanian Parliament or to any political Party registered in Tasmania.

I have spoken about the reasoning for this before. I do not need to speak about it again.

Dr WOODRUFF - As I understand it, Labor's amendment requires that a proposal that a project be declared a major project be accompanied by a statement that the proponent has not donated to a political party within three years. We have no problems with that proposal but I think it is possible that there is an unintended inaccuracy in that amendment.

We have an amendment to move to the Labor amendment. I will provide that now, and it relates to the fact that a project be declared a major project under clause 60C can be provided by whoever nominates the proposal. It could be a council or a minister as well as a proponent. It is distinct from a major project proposal which is a defined term in the bill. Proposed subsection (7) only prohibits a proponent from proposing that a project be declared a major project but a minister or a council can still do that. I have an amendment.

Mr CHAIRMAN - Dr Woodruff, for your assistance, you have skipped one of Labor's amendments and moved to their third amendment, I believe.

Mr Jaensch - You have two different amendments from the same area.

Dr WOODRUFF - Where is it?

Ms Haddad - On the front page, amendment 2, an amendment to proposed new section 60C(4), inserting a new paragraph (c).

Dr WOODRUFF - That it be accompanied by a statutory declaration?

Ms Haddad - Yes. That is the amendment we are on now. The one below it is a third amendment. New subsection (7) is a separate amendment.

Dr WOODRUFF - We have no problem with that and we are not discussing that at the moment. This is in relation to the amendment you have made to insert before the words 'be accompanied by a statutory declaration' -

Ms Dow - No, it says -

Dr WOODRUFF - Please let me read my proposed amendment to the Committee and then we can discuss it.

Ms Dow - Well, it says (b) in your amendment. Where it says 'include a general description' I think that is one that you wish to amend, not the one we wish to amend.

Dr WOODRUFF - That is our proposal for an amendment to this proposed new section. I am talking about a different thing, which is an amendment to your amendment. We are proposing an amendment to your amendment. We support your amendment in principle and the intention of what you are trying to do, but we believe there is an unintended effect.

I move -

> That the amendment be amended by inserting before the words 'be accompanied by a statutory declaration', the words 'if a proposal that a project be declared to be a major project is made by a proponent under section (1)'.

By doing that, it provides that whoever nominates a project, which could be a council or a minister, is clarified in this instance. I will circulate our amendment.

This adds something to the beginning of your amendment to clarify that proposed new paragraph (c) should only apply if a proponent has nominated the project. It clearly is not the intention to look at the political donations or other issues other than the proponent. That is our understanding of the purpose of your amendment, Ms Dow.

Ms HADDAD - I have just read this now but to recap what I understand Dr Woodruff's suggestion to be is to insert the words before Labor's second amendment which deals with a statutory declaration having to be submitted.

Labor's amendment intends to ensure that if a proposal to be assessed as a major project is submitted by anybody, be it the minister, the council or a proponent, it must be accompanied by a statutory declaration signed by the managing director or the chair of the board or their equivalent in the organisation of the proponent, disclosing any gift or donation made by that proponent to any member of the Tasmanian Parliament or any candidate or any political party registered in Tasmania.

I believe this amendment to the amendment would be to narrow that scope. Please explain to me, Dr Woodruff, if I am reading this wrong, but I believe Dr Woodruff's amendment would mean that that statutory declaration would only need to be provided if it is the proponent recommending the project be assessed, whereas Labor's amendment suggests that the statutory declaration would be required to be made so people know what donations have been made by the proponent, regardless of who recommends the project to be assessed as a major project.

I think Dr Woodruff's amendment would narrow it and it would mean that the statutory declaration would only need to apply if it is the proponent putting the project up to be assessed, whereas Labor's amendment would mean the statutory declaration would be required regardless of who is putting the project forward for assessment.

Ms O'Connor - So it would be on council to make a statutory declaration?

Ms HADDAD - No, it would be on the proponent to disclose their donations to a member, a candidate or a party. Regardless of who refers the project into the scheme to be assessed, there would be a proponent proposing to build the project, so the onus would sit on the proponent to provide that statutory declaration regardless of who refers the project for assessment.

Ms OGILVIE - I think this Labor amendment probably need to sit within the Electoral Act. That is my general commentary on it. In relation to this issue, the amendment could be accepted but I do not think it adds anything except maybe a little more clarity. The amendment as it reads says:

> be accompanied by a statutory declaration made in accordance with the Oaths Act 2001 and signed by each of the Managing Director and Chair of the Board (or equivalent) of the proponent, disclosing any donation or gift made by the proponent or its agents in the previous three years to any Member of the Tasmanian Parliament, any Candidate for election to the Tasmanian Parliament or to any political Party registered in Tasmania.

The clause actually does already anticipate that a proponent would prepare a statutory declaration, but in the interests of making things very clear, I do not think it hurts to accept the Greens' proposed amendment. I am not even sure if it does narrow it; they are still talking about a proponent. What I would say is that your proponent might not be a company, and this clause does anticipate that it has a managing director and director.

Ms Haddad - That is why we have the words 'or equivalent'.

Ms OGILVIE - A proponent might be an individual, so in that case, my personal view is you could probably err on the side of accepting this proposed amendment, because it might

be an individual proponent, or perhaps words around that. As I say, that is legal drafting stuff. My view is that these kinds of provisions need to sit within the Electoral Act reform.

Dr WOODRUFF - I think the intention of Labor in their amendment is to require proponents and councils and ministers to be clear about political donations. The problem with this amendment, the first part which we are looking at now, is that your new proposed new subclause (7) says -

Ms Haddad - We are not on (7), we are on the one above that.

Dr WOODRUFF - Yes, but you have one that you have provided us is coming up, and within that, that subclause (7) would say, 'notwithstanding anything in this Act, a proponent who has made a donation or gift, whether by itself or by its agents, in the previous three years'.

It is not clear that you are actually trying to do what you have just said in this amendment. If you had, why do you - I am foreshadowing an amendment that is going to come up later, but it is relevant to what we are talking about here. We want some clarity on the purpose of this amendment. That is why we are proposing that these additional words be added in, to make sure that if a proposal that a project be declared to be a major project is made by a proponent under subsection (1), then the amendment which you have for later makes sense.

At the moment, on one hand you are saying it has to be all parties, but in the next you are narrowing it to just 'proponent'. We are asking for clarification about what this is doing.

Ms Haddad - I do not think I can speak again on yours, but I will address that when I speak next.

Mr JAENSCH - Mr Chairman, I sense that in Dr Woodruff's contribution there is some confusion between who refers a project for consideration of its eligibility to be considered a major project, and who the proponent of the actual project is.

Ms O'Connor - There is no confusion in Dr Woodruff's mind about this legislation.

Mr JAENSCH - I know. She told us the first day we announced we were going to have it that she was going to vote against it, so a lot of this is just theatre. It is not actually about questions and answers at all. However, I put on the record that we will not be supporting either amendment.

Dr Woodruff - Minister, point of clarification. I am not voting against this. The Greens are voting against this.

Ms HADDAD - It does go, then, to what Dr Woodruff was just saying, foreshadowing an amendment to our second one. I know it is all sounding very complicated.

To clarify the question Dr Woodruff asked, the second amendment - the new subclause (7) that we are proposing - would actually prevent a proponent from putting forward a project to be assessed as a major project if they have made donations in the last three years, to a member, a candidate or a party.

I know we are not debating that clause right now, but that is what that intends to do: to prevent a proponent who has donated to a party, candidate or member from being able to put forward a project themselves.

What the one we are debating right now does is ensure that the statutory declaration is submitted. The first one does not prevent a proponent from putting through a proposal. It just requires them to sign a statutory declaration. That statutory declaration may say they have made no donations to a party, a member or a candidate - in which case they are eligible to put forward a project for assessment as a major project. So they are related, but they are separate.

Amendment to amendment negatived.

Mr JAENSCH - As per my contribution on the first proposed amendment, the Government will not be supporting this amendment.

Ms HADDAD - We are now back to discussing Ms Dow's second amendment.

For clarity - and there are people watching the debate who might be thinking, 'Where are they up to, what on earth is going on right now?' - let us step back a second and understand that the amendment Ms Dow has just moved would insert a new subclause (c) to clause 60C(4), which would require a statutory declaration to be made in accordance with OPAC, signed by the proponent, disclosing any donation or gift that they have made to a member of the Tasmanian parliament, a candidate for election to the parliament, or any party registered in Tasmania.

It is problematic now because our first attempt to put those two terms, 'gift' and 'donation', have failed the parliament just now when we moved our first definition. Should this amendment be accepted, it is problematic now because those terms are not define because we did not get that first amendment through.

What it would do is require transparency, so that the public in Tasmania is aware of who is putting forward proposals, and what their connections and relationships are with government. People, in the first amendment, did reflect on our donation laws - and we do have the worst political donation laws in the country. I have said in this place before that it actually shocked me when I was a first-time candidate at the 2018 election that there were no requirements on me as a candidate to disclose any donations, or disclose any of my spending - notwithstanding that I did not actually receive a whole heap of donations. However, it did surprise me that there was no obligation on me to disclose those.

Labor has long been committed to donations reform. It has been mentioned that we have a private member's bill, which is not yet tabled, but is out for community consultation - and that is a genuine consultation. I am hoping that people in the community will feed back their ideas to Labor. In a nutshell, what it would do is require a declaration of donations over $1000, or cumulative, and it would also place caps on spending for House of Assembly candidates and for parties spending money in House of Assembly elections. It is not everything, but it is a start.

The Government promised to act on this issue, because it is a live issue with the Tasmanian public. There is at least a perception in Tasmania that money can buy influence,

and it is incumbent on all of us, as members in this place, to address that perception in the Tasmanian community.

This amendment and the ones that follow go to the very heart of that issue - the fact that people at least have the perception in Tasmania that money can buy influence, and indeed, buy elections. That is not good enough for me, and it is not good enough for the Labor Party.

These are necessary provisions that would ensure that when people are putting forward projects, or when government or councils are putting forward projects, people are simply made aware of the relationship between those proponents and the government of the day - or, broader than that, any parliamentarian sitting in this place or in the upper House.

I hasten to add that this is in no way a reflection on the current minister or any member in this place right now. I am not alleging that anybody in this place has any untoward intentions or anything of that sort. I hasten to add that very strongly on the record now because that is not the reason for this amendment.

The reason for this amendment is that we are setting up legislation that will endure for a long time, and mechanisms that we put in legislation need to be open, clear and honest.

What this first amendment would do is simply make it a requirement that information is declared under a statutory declaration so that people are not in the dark about what the relationships are between people putting forward major project suggestions for assessment and their relationships those proponents may or may not have with members of this parliament. As I said in my contribution on the Greens' amendment just now, it could be that there is no relationship. It could be that a proponent putting up a project for assessment or government or council putting forward a project for assessment has not made any donations in which case that is fine. If the opposite is true the community deserve to know and understand that. That is the reason for this first amendment.

Amendment negatived.

Ms DOW - The second part of amendment no. 2 is in proposed new section 60C, after subsection (6), insert the following new subclause -

> (7) Notwithstanding anything in this Act, a proponent who has made a donation or gift whether by itself or its agents in the previous three years to any Member of the Parliament of Tasmania, or to a candidate for election to the Parliament of Tasmania or to the Party of any Member or candidate for election to the Tasmanian Parliament is prohibited from making a proposal that a project be declared to be a major project.

This is just following on from the other amendments and substantiating the argument again about the fact that we had a large number of representations that spoke about their concerns about transparency about this bill. Part of the process of having this debate today is about having a good, full debate about that. It should not come to you as any surprise that we would be wanting to talk about that in the context of this bill.

Dr WOODRUFF - We support this amendment. For the reasons that Ms Dow has said, it is important to shine as much light as possible on to all possible influences that can be placed over decisions as significant as something like a major projects process and approval that this bill seeks to enable. We reject the bill and the process but we support the intention of this amendment. The more information we have about donations and gifts at every level in decision-making in government, within the public service, to ministers for the tendering of contracts, for the approval of major projects, all things like that, ought to be properly scrutinised and be very clear.

Having a period of three years we could certainly argue the time length. There is an argument for it being longer than three years. There are many different ways that this could be constructed but the principle of this amendment we definitely support.

Mr JAENSCH - I reiterate, as I understand it this is to seek to prohibit anyone who has made any donation or gift in a three-year period to any member of any party or any member of the parliament is prohibited from seeking to have their project assessed as to its eligibility to go through an assessment process that is available under law in Tasmania. Noting that in their efforts to prevent ministerial influence that they note that the proponents and the supporters of this amendment note that the minister has no role in the assessment of that project. I am clear about that. Then I confirm again that the Government will not be supporting this amendment because it is ridiculous.

Ms O'CONNOR - The minister's response just then to a proposed amendment which would provide greater transparency around proponents seeking to have a minister declare a project a 'major project' was very revealing.

What the minister told us is that, in government, he does not want to see any restriction on any type of development given to a member of parliament, or a minister, or a political party.

If we did have the courage to enact an amendment like this it would provide certainty to developers. It would let them know that they cannot buy influence if they want to get a major project up in the future.

In fact, it is a really important principle that should be in this legislation. Developers and other vested interests do not donate money to political parties because they wake up in the morning feeling benevolent. They do it because they want to buy influence. That is what we saw at the last state election, and we know that there are millions and millions of dollars, the source of which has still not been disclosed to the Tasmanian people. And London to a brick, some of those donors will be developers who had the major projects legislation on their radar because government had flagged major projects legislation. A sharp developer would pull out the cheque book at the last state election, make a donation, knowing that it is likely to ensure a favourable eye is cast on them by the government of the day given that, as a developer, they helped to get that government elected through a donation.

It is very telling that this minister finds the prospect of any restriction around developer donations to members of parliament so confronting, and the minister argues political freedom. We would argue that at an election, voters should be free to know who is donating how much money and to whom. They should also believe that planning decisions are made free from the influence of vested interests.

We saw through the review process that started after the 2018 board election, and the narrow terms of reference, that this Government is going to try to argue freedom of speech as an excuse to keep taking money from vested interests, knowing full well that money comes with strings attached. No corporate interest, no developer, no foreign interest, makes a donation to a political party, or candidate, without believing, at some point in the future, there will be a quid pro quo.

This legislation provides for corruption, potentially, and dishonest dealings. That is why there should be restrictions placed on donations from developers to members of parliament. Sure, if you argue that governments should be able to accept those donations, that is fine but it takes it to the next level where there is a stink about it, when government is saying, 'it does not matter who donates to us. Of course, there is no connection between a donation from a developer and our minister's decision to declare a project a major project', when we know that is rubbish. You cannot argue free speech.

People need to be free to choose, in full knowledge of where the money for political parties is coming from and they need to believe and know that their planning system and the decisions that are made around land use planning will be free from corrupted influences.

The Committee divided -

AYES 10	**NOES 12**
Dr Broad	Ms Archer
Ms Butler	Ms Courtney
Ms Dow	Mr Ellis (Teller)
Ms Haddad	Mr Ferguson
Ms Houston	Mr Gutwein
Mr O'Byrne	Ms Hickey
Ms O'Connor	Mr Jaensch
Ms Standen	Ms Ogilvie
Ms White	Mrs Petrusma
Dr Woodruff (Teller)	Mr Rockliff
	Mr Shelton
	Mr Tucker

PAIRS

Ms O'Byrne	Mr Barnett

Amendment negatived.

Dr WOODRUFF - For your benefit, my understanding from the Clerk is that this clause has a number of sections and we will work with any other members who make amendments in the order in which the sections appear chronologically.

We have an amendment to proposed new section 60C(4), which I have circulated, that seeks to provide some specificity to the proposal that must be prepared for a major project. I move -

That proposed new section 60C(4) be amended by omitting from paragraph (b) the word 'general' and instead inserting the word 'detailed'.

The purpose of this is to require that the proposal being nominated must have a detailed description of its nature rather than a general one. I believe this would pass the absolute standard pub test. It is pretty ludicrous to expect that a proposal for a project that is declared to be a major project only needs to include a general description of the nature of the project.

These are, by definition, major projects. They must pass a number of tests to do with scale, complexity and impact. There is no way a general description can possibly provide the information that is required at any point in the process. Our amendment simply tightens that up and provides that a detailed description of the nature of the project must be provided.

Ms OGILVIE - That is an entirely sensible amendment which I support.

Ms O'Connor - It wouldn't hurt you to accept this, minister. It improves the bill.

Mr JAENSCH - I can help here. Proposed new section 60C(4) does not relate to the proposal that is to be assessed. This is the proposal that a project be declared a major project for the purpose of having assessment criteria generated and a far more detailed project impact statement developed which the proponent will have 12 months to deliver, because it will be comprehensive and need to address all of the required information from all of the relevant regulators.

The purpose of the proposal referred to in clause 60C is the information required for the determination that a proposal meets those basic criteria of scale, complexity and strategic importance. Therefore, if you have its location and you know it is a hydrogen plant, an airport or a windfarm, there is, with a relatively general explanation, the ability to determine if this is of magnitude and complexity sufficient to be considered a major project and if that is the only decision that the information is used for, if more information is required, the minister can seek further information. This is not the information that is used to assess the merit of the proposal with a view to issuing a permit or otherwise.

Ms O'Connor - I gather you are explaining it to us this way knowing that we have read the bills and simply for *Hansard* record because if you are not, it is vaguely insulting.

Mr JAENSCH - I thought I understood from Dr Woodruff's introduction of this amendment that a general statement was clearly not enough to assess the project. This is not about assessing the project; it is about determining eligibility. For clarification and avoidance of doubt I am offering this explanation.

Dr WOODRUFF - It is insulting that the minister pretends to put matters into my mouth or into my mind that had nothing to do with this. We have clearly read this in detail and what proposed section 60C does is to enable the minister to make a decision that the proposal be declared a major project. Can the minister really expect the public to believe it would be enough for a skyscraper developer in Hobart just to say, 'generally we want to build a building and generally it is going to be high' without talking about the detail of the overshadowing?

We are not talking about the assessment of the project. We are talking about whether it should be declared a major project and go down the track of being assessed. Is it really good

enough for the Cambria Green development to just generally talk about the fact that they want to do a big development in an area without saying, in detail, there would be an airstrip, there might be aged care accommodation, it would be on conservation land? This does not put any prescriptions at all on what developers are required to provide the minister. It means this minster is clearly happy to make a decision with the most general waffly terms about what is going to be called in as a 'major project'.

This is the start of going down the track. Why go down the track unless the minister has some details? We are not talking about full assessment here; we are talking about a detailed description of the project. It beggars belief why the bar could be set so low other than to let everything go through and be declared as a 'major project' and put grief, effort and expense and a huge process in train without having to justify it on the basis of detail.

Ms O'CONNOR - What we are operating from - and Dr Woodruff is spot-on here - is the principle that we do not have to say 'yes' to every development proposal. If a minister is making the decision on the basis of scant information - because the general description can be scant information - declares a project to be a major project, then we get down the track and the assessment goes it and never should have got past first base because it has all these problems associated with it, you have failure embedded in the planning system from the get-go just because this provision allows a developer to go, 'I want to build a skyscraper in Hobart. I would like it to be 20 storeys high and the outside of it will be blue'. That is a general description of a potential major project.

The reason this sticks in my throat so much is because from the beginning it was very clear that the proposal to put 500 homes and a canal estate in the Ralphs Bay Conservation Area should never have got past first base. There should never have been Crown land consent given by the then minister, David Llewellyn. What was the consequence of the 'anything goes approach, so just say yes to every single development'? It was nearly a seven-year struggle on a community's part, tens of thousands of dollars in expenses borne by that community, $720 000 in expenses as a result of the assessment that the developer, Walker Corporation, skived off the island and to this day has never paid.

We need to have a set of standards here. I often think of Tasmania as like that beautiful girl at the dance. She has no idea how beautiful she is and she just says 'yes' to the first con man who comes along and wants to swing her around the room. We need to have some standards here. We are a beautiful little island. Of course, we need to have good developments but we should not be in a position where we are allowing in statute for developers to get past first base and have a thing declared a major project.

Ms DOW - We will not be supporting the Greens' amendment but I do have a question about the way in which this information would be presented. Will there be a statutory form or a template that will be consistent across the proponent? Can you explain that to me?

Dr Woodruff - Are you going to be providing your reasons for not supporting the amendment?

Ms DOW - I am just asking a question.

Mr JAENSCH - I draw your attention to proposed section 60F, Contents of major project proposal, pages 31 to 35.

Ms DOW - That will be the same standard form for each proponent or application. I am trying to -

Mr JAENSCH - Section 60F, Contents of a major project proposal, outlines the information required in that which was referred to in shorthand as a general description in 60C(4)(b) and unpacks that to describe that a major project proposal in relation to a project is to contain the following information:

(a) the name and contact details of the proponent of the project;

(b) details of the proponent's experience and of the proponent's financial capacity to implement the project;

(c) the name of the project;

(d) subject to subsection (2), a description of the project, including -

(i) the activities that are proposed to be carried out as part of that project after the construction phase of the project is completed; and

(ii) the proposed uses or developments that are proposed to occur in relation to the project;

(e) a map, or description, indicating the location of the proposed land on which the project is to be situated and, subject to subsection (2), a plan indicating generally areas on that land on which uses or developments in relation …

et cetera.

It continues through subsections (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), and (q) and then on to section (2).

There are several pages of prescription of what information is to be provided. The term 'general' is used to make the distinction between that preliminary proposal and the overview information required to make a determination of eligibility and then far more detailed information required to make a subsequent assessment against the criteria.

Dr WOODRUFF - No, it is not. It means something and it means that you do not have to provide much information.

Mr JAENSCH - If I refer you to proposed section 60F I believe that should satisfy your interest in what is indicated by 'general'.

Dr WOODRUFF - No. It says 'general' in proposed section 60F(2).

Ms DOW - Further to that then, that substantiates why we do not support the proposed amendment in that it is quite a detailed process and there will be some form and function around

about what is required each time. We are quite comfortable with that and the way that it is written currently in that subsection.

Dr WOODRUFF - The minister gave you your talking points and the reason why but he is actually not correct.

CHAIR - Dr Woodruff, please. You have had a chance to contribute.

Amendment negatived.

60E. Major project proposal required

Dr WOODRUFF - I have an amendment to proposed section 12, 60E. The minister was just referring to these later sections and we have an amendment to 60E, which I will read in now. It is:

> That the proposed new section 60E be amended by omitting the words ', except with the approval of the Minister,' from subsection (4).

This is incredibly important.

Mr DEPUTY CHAIRMAN - Dr Woodruff, I will have to pull you up. The time being 3.30 p.m. I shall report progress.

Progress reported; Committee to sit again.

MOTION

Energy Supplement for Households - Motion Negatived

[3.30 p.m.]

Mr O'BYRNE (Franklin - Motion) - Madam Deputy Speaker, I move -

That the House -

(1) Notes that Tasmanian families are crying out for support to relieve the financial stress caused by increased household power bills this winter.

(2) Understands that tens of thousands of Tasmanians have spent more time at home, for home schooling, working from home or simply heeding the call to only go out when necessary as a part of Government-announced restrictions as a direct result of the COVID-19 pandemic.

(3) Acknowledges that this will be reflected in Tasmanians' power bills through increased power usage in what has been a particularly cold winter.

(4) Further understands thousands of households are already suffering from bill shock at a time when they can least afford it.

(5) Further notes that the Liberal Government provided a winter energy supplement to Tasmanian households in a 2018 election-eve provision of a $10 million special energy bonus in the middle of summer.

(6) Further acknowledges that Tasmanians should not be financially punished for doing the right thing.

(7) Further notes the Premier's own Economic and Social Recovery Council has flagged concerns about the capacity of vulnerable Tasmanians to pay for heating during the cold winter months.

(8) Calls on the Government to back Labor's policy of providing a winter energy supplement to Tasmanian households in financial stress.

Madam Deputy Speaker, as we debate this motion today thousands of Tasmanians and Tasmanian families are going through not only financial turmoil but the most intolerable of choices. When they receive and open their Aurora bill and receive the bill shock that we are hearing is occurring across the state, they are making intolerable decisions about whether to put food on the table, put a heater on, put the heat pump on, turn the electric blanket on or turn lights on and making decisions around the multitude of other bills families face day in, day out, week in and week out.

These are choices that many Tasmanians face every year but this motion illustrates that this of all years has brought some of the most acute circumstances in which Tasmanians find themselves. We know that thousands of Tasmanians have been impacted by COVID-19 and the restrictions that have been placed on our economy since March. Thousands of Tasmanians have lost their job or lost hours, and thousands of Tasmanians and their families have been severely impacted by the restrictions, both economic and social. Therefore, at a time when they are least able to respond to large bills and bill shock coming through their mail, as a parliament we need to be aware of those circumstances and take the necessary steps, where able, to assist those Tasmanians.

In question time today I raised the issue with the Premier and he listed a range of benefits that the Government has announced, which we do not easily dismiss. There are some benefits that have been put forward to the Tasmanian community, particularly in the business community and the small business community, but we are talking about struggling Tasmanians, low-income Tasmanians who are struggling to make ends meet.

Since we made this call a number of months ago we have been inundated by stories of ordinary Tasmanians across the state who are now receiving their energy bills for the period covering the initial COVID-19 shutdown where Tasmanians did the right thing. The Premier and all of this parliament agreed we wanted to keep our community safe so we asked those people to stay home, to work from home and to home school to ensure that our community could suppress the virus and the incidence of COVID-19 in our community would be not only suppressed but hopefully eradicated, and we have not had a positive case for a number of months.

Tasmanians should not be financially punished for doing that. It was a particularly cold start to winter this year and we have had a very cold winter, particularly in the last month or so, with a number of extreme weather events, including blackouts in certain parts of the state.

Tasmanians have done the right thing and are now starting to receive the bill shock that is referred to. We have been inundated with stories from Tasmanians across the state as to challenges they face. For the benefit of the House I will read a few short stories that have been shared with us of which we have received literally hundreds in the last few months.

I will not identify these people. They have emailed us with their personal stories and they are powerful. Here is one -

> I received my power bill yesterday. It was double my last bill and $300 higher than this time last year. I have never had a bill of over $1000. This was nearly $1300. Calling Aurora today to query if they did a meter read or have inaccurately estimated.
>
> I know I'm not alone in being unpleasantly surprised by a huge bill for this quarter. I work in healthcare so have not been entitled to any concessions or special COVID allowances.
>
> I have risked mine and my family's health through COVID, working many double shifts and still do. A third of my earnings go to tax. I pay $500 per fortnight in childcare and for my young children and this is all while others receive some benefit.
>
> How about supporting those who work hard and sacrifice time away from their families, putting themselves on the front line to help other people's families? This power bill is just icing on the cake.

Another story reads -

> I am a single female currently working 30 hours per week, working from home. Between my mortgage, power, water rates and phone, I am the working poor without the benefit of a second income.
>
> My power bills are astronomical. The usage charges far outstrip the actual power I use but the cost continues to go up and up. I'd love to be able to use solar but I can't afford it. The winter bill is by far the worst.
>
> I run a heat pump which I have been told is the best economical thing to use. I don't have it too high because that would increase costs. I think it's ridiculous that we pay such high costs for power here and it also concerns me that we export the power off cheaper than we get it.
>
> Power bills are the worst, followed by water and once again the fees are higher than the actual usage. I am one of the working poor and I find the power bill to be one of the bills I struggle with. I receive no government support and it is a constant struggle.
>
> My power bill went up in the billing period after the lockdown when we had gone back to work and school. It only went up after downloading the new app, doubled in fact, and our family has done nothing differently.

A lot of customers have said the same thing and it needs to be looked at.

Another constituent said -

> Hi. I am more than happy for you to reference my situation. I know a lot of people in the same situation have downloaded the app and are experiencing the exact same problem. Normal everyday Tasmanians not eligible for other government assistance should be given assistance.
>
> My bill was $3 short of $1000. I am on disability and I cried when it came. Lucky for me I had no choice but to go on a payment plan and pay it off.
>
> I really need some kind of help. No matter how much every cent helps to pay the bill, I would imagine there are a lot of people in Tasmania in the same situation.
>
> Through COVID-19 I have suffered severe sadness and health issues mentally where I have had to stay in and of course the heaters stay on all the time, so my power bill goes up.
>
> Thank you for asking. Thank you for your help.

Another constituent is a single mum with a child. After working at home for weeks, she lost her job a couple of months ago, due to COVID-19. Her Aurora bill is double what it usually is. She will struggle to pay the bill and put food on table.

These are just some of many stories of Tasmanians across our beautiful state, who are suffering and are receiving these massive bills. These are the intolerable choices that Tasmanians are being forced to make.

We say, in this motion, that they should not be financially punished for doing the right thing. We believe they should receive a level of assistance that will ease the pain and household budget, and assist in enabling them to make ends meet, and have a decent life.

We have the power in our hands to make a difference for these Tasmanians. We know we have because it has happened before.

There was an energy supplement that was paid by this state Government back in 2018. It was announced in 2017, and it was paid in 2018. It was the Special Energy Bonus, which was announced with much fanfare by the state Government, by the then premier Will Hodgman, and his energy minister, Guy Barnett. When announcing the pre-election energy supplement, the energy minister said -

> … the extension is funded by energy businesses as a result of higher than expected profits. In line with our Tasmania-first approach, we believe that higher than expected returns from our energy businesses should be returned to the pockets of Tasmanians, rather than retained by the Government.
>
> We recognise that many people, particularly aged pensioners and Commonwealth Seniors Health Card holders, are being hit hard by the rising

> cost of living. This past winter was also very cold, meaning that some Tasmanians use more energy than previous years.

If that was a justification back then in 2017 and 2018, meaning that some Tasmanians used more energy than in previous years, it is relevant for this one. It is relevant for the year that we have asked people to stay home in a cold winter, to protect themselves, to protect the community.

If it was good enough justification back then to provide an energy supplement, then it is good enough today. Apparently, and according to the minister at the time, helping with the cost of living is a top priority. If it is a top priority, then we do not see, and we cannot see, that the arguments against providing a winter energy supplement for this year stack up.

Just because you are doing some other work in other parts of your portfolio that assist Tasmanians, it does not mean that those Tasmanians, particularly the Tasmanians you identified back in 2017 of needing support, without a pandemic, after a cold winter, coping with the cost of living - you can do it now.

In fact, in November 2017, Guy Barnett, the minister, said -

> It will assist them to cover their power bills and address the rising cost of living. We have had a cold winter and it has not been easy. Many Tasmanians are doing it tough and this will deliver a cheque prior to Christmas for most of them and is in addition to the existing concession payments, which will continue, including to eligible concession customers under the age of 65. It will deliver a special note of support, a special acknowledgement, that they have been doing it tough.

Minister, those words echo through to the current circumstances we now face. It will deliver a special note of support, and I quote -

> … a special acknowledgement, that they have been doing it tough.

Well, if they were doing it tough then, they are doing it tough now. They did the right thing. They stayed at home. They made our community safe, and I can think of no better circumstance that would justify a repeat of that energy supplement.

You cannot help but be cynical about the timing, and about the method of that energy supplement payment. It was announced in 2017, heading towards a 2018 election. We know there was an issue with getting the cheques out, and a letter signed by the minister, and signed by the Premier. There were lots of discussions about how that payment was to be delivered - and in fact, the most economical and easy way would be to do it in terms of the bills, through Aurora. But no, the Government wanted those Tasmanians, heading into an election, to have a letter from the minister and the Premier, with money in their hand - with a cheque.

You do not have to be cynical to realise what was going on at that moment in time. This was all about elections. This was all about putting money in the hands of needy Tasmanians - absolutely needy Tasmanians - but in a way that was designed to garner votes, and to build a vote heading into the 2018 state election.

Again, with this Government, you struggle to deliver anything. It was a ham-fisted delivery, and people did not receive those cheques until after Christmas. They were receiving a winter energy supplement payment in the middle of summer, in January - six to eight weeks out from the state election.

Minister, I quote again the words that you uttered in November 2017 -

> It will deliver a special note of support, a special acknowledgement, that they have been doing it tough.

Well, people are doing it tough, minister, and we are calling on you to agree to this motion to support those Tasmanians who are struggling with not only the cost of living, but in particular their energy bill.

I have read one story into *Hansard* where this is a bill. We are hearing stories of people getting not just large bills of hundreds of dollars, but thousands of dollars. When you get a quarterly bill of anywhere between $1500 and $3000, there are very few Tasmanian families that can cope with that kind of bill and pay it off without needing some form of external assistance - either Centrelink support, or some short-term loans, or some help and support from families. People should not have to make the choice between freezing in their homes for fear of a bill, and putting food on the table and having some kind of dignity in their life. Arguably, the ability to get access to electricity and heating is a human right, particularly in an environment like Tasmania, which is the coldest state in the country.

Minister, your words echo through, and it is going to be very interesting listening to your contribution about why Tasmanians were doing it tough in 2017-18 in the shadow of an election, but apparently now they are not doing it tough, and do not deserve this energy supplement.

We know that when asked on these matters, the Government says that prices have come down, and the Government points to its cap. But this is a policy that ensures prices do not increase by more than the CPI. In other words, the policy in and of itself - the point where the Government can actually influence prices - cannot drive price reductions.

What drives price reductions is the falling generation cost, and the latest report from the Australian Energy Market Commission shows that these costs are coming down across the country. Generation prices are expected to fall 11.6 per cent over the next three years, due to new renewable projects coming online and adding much needed supply. Network infrastructure costs - the poles and wires - are expected to fall by 1.8 per cent. Environmental policy costs are expected to fall 23.9 per cent, as subsidies such as the 20 per cent Renewable Energy Target are winding down.

All of this means prices in Tasmania are expected to fall 5 per cent over the next three years - not by government policy or action, but by virtue of the changes in the national market - and the Australian Energy Market Commission has illustrated why these prices have changed. We welcome that 5 per cent, we think it is a great result but this is less than the national average, which is 7.1 per cent. It is less than the ACT at 7 per cent, less than New South Wales at 8 per cent, and less than Queensland at 20 per cent. As the report makes clear, the drop in energy prices is nothing to do with the policies of the state Government.

We know, heading into the 2018 election, the other policy that was articulated by the Government at that time was de-linking the state from the National Electricity Market and the pricing mechanism in Victoria. That makes sense when prices on the mainland are going up but we know why they have dragged the chain on this. We know the reason they delayed action and activity on this is because the market is working in our favour, the regulator has made a decision around the cost of energy and getting it to the market, so the wholesale price is dropping and it is in our interests to maintain that link.

Maybe the minister can outline where that policy sits and how it works. If he is honest he will acknowledge that effectively it is not government policy that has driven down prices in our wholesale energy market, it is changes in the system that the regulator has acknowledged. We know that is true because in the 2017-18 budget the then energy minister Matthew Groom said that that year wholesale power prices, which make up a significant component of the average household and business power bill, had been rising due to the blackouts in South Australia and the closure of the Hazelwood Power Station in Victoria. The Government therefore acknowledges that the National Energy Market and how it is structured and the cost structures identified by the regulator are the key determinant in the price in energy in Tasmania.

The point we are making here is that whilst energy prices are going down, no thanks to the state Government but purely an outcome of the National Energy Market, bills are still higher in Tasmania than anywhere else. Lower prices do not mean lower bills. Tasmanians have to use more power than people in other states. The Australian Energy Market Commission report also shows power bills in Tasmania are currently the second-highest in the country and in three years they will be the highest. The point we are making is that whilst you can get up and say energy prices are going down and under Labor they went up, we know that it is not true. It is a product of the National Energy Market and how you apportion pricing cost.

We know that is the case because legislation is the only thing you can do to put a cap on it, but if the prices are going down the cap is immaterial to the end result. Tasmanian power bills are the second-highest in the country and in three years they will be the highest. Residential bills in Tasmania currently average $1906 per year compared to $1135 in Victoria and $1294 in New South Wales. The average bill in Tasmania is 68 per cent higher than the average bill in Victoria and 40 per cent above the average bill in New South Wales.

That is the issue we are raising here. You can ignore the reality of power bills being high in Tasmania, you can ignore the reality of the bill shock Tasmanians are facing, but you cannot ignore the fact that we have some of the highest bills. We have not made the call in isolation of an event, or because we did it last year and we should do it again this year because Tasmanians doing it tough deserve support year in year out. We are doing it because Tasmanians are suffering financially and socially because of COVID-19 and there are no other circumstances you need to bring into this argument to justify a winter energy supplement for Tasmanians.

We know Tasmanians are also less able to afford these high bills, as the most recent ABS average weekly earnings figures show that on average Tasmanians earn $11 500 less per year than the national average. Tasmanians have higher bills, we have less money to pay for them and we are suffering the economic punishment of COVID-19 and the restrictions in place. In the debates around our response back in March when decisions were made to close the borders, shut down schools and implement a range of restrictions, we all said these are most extraordinary times with extraordinary decisions that we have to make. We also made a

commitment, and it was discussed during the supply bill, providing the Government with more money in this financial year but also pushing the Budget back until November so that you could provide this kind of assistance to Tasmanians.

The Premier himself said this is not the time to cut, we are going to be there for Tasmanians. They have done the hard yards. We are at a point where we are in a good place. There is no argument with that, but the stories of bill shock across the state are now coming thick and fast and it is a penalty on Tasmanians who have done the right thing. We know that for some people $120, similar to the supplement you put out in 2017-18, will not necessarily resolve everything but it is a statement from this parliament and Government to say thank you for doing the right thing by your community. Thank you for keeping yourselves safe, your community safe and the state safe so that we can be in a position that when the economy starts to open up again, which it is now, we thank you for that sacrifice because it is a sacrifice.

As part of the justification for the 2017-18 supplement, in your statement of 6 December 2017 you talked about the dividends and said rather than staying with Aurora Energy or TasNetworks or Hydro, the money has gone back to those who are doing it tough in Tasmania and that is the pensioners, so you have acknowledged the connection between a dividend policy and the profits made by our GBEs in the energy space that they have the capacity to assist in funding that.

The 2019-20 budget allocated a dividend from Aurora of $27 million and that reflects a 90 per cent dividend ratio policy and profits, so we know that these companies are performing well. In the 2019-20 budget for Hydro, for example, there was $105 million predicted as a dividend. In the September quarter financial update that was increased because their profits increased and in the February RER which was midyear report to December that not only was there $105 million predicted to be taken out of Hydro but there was an extra $15 million in dividends taken at that time and there was an extra special dividend of $70 million on top of that, so from one energy company close to $200 million in dividends were taken out of that company.

I know that came with a fair bit of pain for the minister because in the broad statement they flagged that as an ongoing concern because we know this Government is Olympic standard at taking dividends out of the GBEs to prop up the budget. We know that has been their form. In 2017 you said you were going to use the money from dividends from that company and give it to those people in need. We know in the August report, which outlines the preliminary outcomes for 2019-20, there was an extra $40 million in dividends from GBEs. We believe there is ample room on those energy businesses books and in the State Budget, given the acknowledgement that we are going into significant debt and deficit at this time, for significant scope to fund this supplement.

If it was good enough back in 2017-18 to say we are happy with the books of these GBEs and that is how we are going to fund it, the same circumstance stands and we believe that alone is ample justification to acknowledge the hardship of Tasmanians across every part of this state. This is not a north or south or north-west issue. Tasmanians are bearing the brunt of bill shock and energy shock across our state in virtually every corner and there is an ability for the minister and the Government to go some way to alleviating that pain by announcing a further winter energy supplement.

On multiple occasions in this House, in question time and in the media, we have asked the Government to consider this winter energy supplement. Every time, they have refused to agree to a winter energy supplement similar to the one they produced. It is a tin ear to the needs of Tasmanians who are doing it tough and it is well within the scope of the Government to pay that.

It is an issue and a challenge because the Premier's Social and Economic Recovery Council, in their report, acknowledges the impact, particularly on low income Tasmanians and Tasmanians who rely on government benefits, both state and federal. They will be doing it tough. The Premier's own Social and Economic Recovery Council has acknowledged that this is a challenge and that alone should be a flag to the Government that they need to respond on this.

We raised the question in parliament today and gave an example of a young mum in the northern suburbs who received a bill to the tune of $1800. Imagine walking in her shoes. She has a young disabled, beautiful daughter. She received this bill, opened it up and imagine what goes through her mind, 'What am I going to do? Do I have to not purchase medicine, what do I do? Do I get a loan, do I call family and friends if I can? How do I make ends meet? How do I not only get ahead, but how do I keep up', which is the challenge?

What is astounding is that when we raised this and having written to Aurora, all of a sudden she received a call out of the blue from Aurora Energy who said, 'We think there has been a mistake, we are going to take $700 off your bill'.

I am trying not to be cynical about that but when someone raises something in parliament and we raise it directly with Aurora, they immediately get it minutes before we were due to do a media conference outlining this person's circumstance and again renew the call for an energy supplement. All of a sudden, a person rings up and says there has been a mistake, with no details, no emails and no review.

Again, there was a number of concerns around the issue of underestimation. We understand TasNetworks and the energy companies made the decision, due to COVID-19 not to do the meter reading and estimates were made. We supported that on the basis of occupational health and safety but now we are seeing a number of people who were underestimated in their March quarter and they are now playing catch-up, so it is a double whammy. They were not billed the appropriate amount earlier in the year - and bill shock is a significant issue for those people.

There are a number of questions to be asked and we seek answers on them. We are not able to bring every constituent, every person, who is suffering bill shock or is surprised by their energy bill, into this House and into the public domain for it to be resolved. We should not have to. People need to have trust in their GBEs and trust in their bills, that the readings are right and the bills are apportioned appropriately and fairly, and that they will be treated equally to other Tasmanians.

We know Tasmanians are doing it tough across the state. We know Tasmanians have done the right thing by our community by staying home; we know bills are going through the roof and we know people are receiving bills when they can least afford it. We believe they should not be financially punished for it. The Premier's Economic Advisory Council has acknowledged that fact. The Government in its announcement around 2017-18 has

acknowledged that fact, that they would be there for Tasmanians and they would reward them when they were doing it tough.

It is hard to imagine a set of circumstances that we have faced in the last six months which do not qualify as 'doing it tough'. I will quote the minister's words from 28 November 2017 -

> It will deliver a special note of support, a special acknowledgement, that they have been doing it tough.

Minister, the motion is very clear. Tasmanians are crying out and Tasmanian families are crying out for support to relieve the financial stress caused by increased household power bills this winter. This is the big bill they are copping; this is the one that is going to make it hard. For some people it will be the difference between them being able to pay their rent, pay their medical bills and cope with the cost of living that is placed on them.

The motion speaks for itself: we ask the Government to acknowledge the circumstances we find ourselves in and we call on the Government to back the Labor policy of providing a winter energy supplement to Tasmanian households in financial stress. We do so because we think it is the right thing to do.

[4.07 p.m.]

Mr BARNETT (Lyons - Minister for Energy) - Madam Deputy Speaker, thank you for opportunity to speak to this motion and advise the Government's non-support, opposition, to the motion but to outline some remarks in response to the shadow minister for energy. I hope I will also leave enough time for others in the Chamber to make a contribution in light of the short amount of time that we have.

As a Government, we have put in place unprecedented levels of support for our community and for our businesses to cushion the blow from COVID-19. We are in a state of COVID-19, the pandemic is evolving and we have had to respond in so many different ways to support the communities, to support small business and to support the people of Tasmania. I am pleased and proud to be part of a government that has been able to do that.

Up front, I recognise that electricity is an incredibly essential service for households and businesses alike across this great state of Tasmania. We understand that with the restrictions imposed due to COVID-19, many Tasmanians have been working at home in those early few months since mid-March and many Tasmanians have been schooling their children at home and their children have been at home. With winter upon us there has been an impact on electricity prices and power bills across the state.

We should make the point right up front that all our efforts have been unprecedented. With respect to electricity prices and electricity bills, under the leadership of my shadow and under the previous government, the Labor-Greens government, there was a 65 per cent increase in electricity prices during that time. That is staggering. To come in here and receive a mini lecture from my shadow minister beggars belief.

I will outline all the measures we are putting in place to address the concerns of the people of Tasmania. Tasmanians have been doing it tough and that is why we have committed over $1 billion of funding support for our community. In fact the support for individuals,

communities and businesses through the COVID-19 pandemic has been a record compared to every other state or territory, a greater proportion of our gross state product compared to other states and territories.

I am pleased and proud to be part of a government that has delivered on that, led by our Premier, Peter Gutwein, who has been decisive. At lunchtime I was out meeting with some constituents on the eastern shore and presenting a World War II medallion to a veteran, thanking him for his service and those in and around that place were commenting on the leadership of Peter Gutwein and saying, 'Thank you for your service to the people of Tasmania'. That was greatly appreciated and I get that regularly when I am out and about. In the Lyons electorate, on the farms and the fish processing factories, or down the mines or in the forests with my stakeholders, the feedback is similar. I am pleased to be part of a government that has provided the largest stimulus support package in Australia relative to our gross state product. In fact these record levels of stimulus and support are unheralded so any suggestions from the other side that our Government has not been pulling its weight when it comes to power bill relief from COVID-19 is simply playing politics. It is without a true thought for the environment we are all in.

The Government is committed to easing the cost of living. The cost of living is incredibly important. I have said that up hill and down dale, year in, year out. I said it when I was in the Senate and I say it here in the state parliament. The cost of living and the cost of doing business is incredibly important and that is why we have a plan to continue to put downward pressure on electricity prices at every stage and I am so pleased that on 1 July this year we were able to reduce electricity prices by 1.38 per cent.

Mr O'Byrne interjecting.

Mr BARNETT - I hear an interjection from my counterpart across the Chamber saying it is all happening by osmosis because it is happening in the National Electricity Market and therefore it happens automatically here. This is happening because of our energy policy that puts Tasmanians first. That is why we have plans that by 2022 we will be 100 per cent fully self-sufficient in renewable energy. I am pleased to advise that we are on track to reach that target and that is why we have plans to have a 200 per cent target by 2040 and a 150 per cent target by 2030. We are on track. I have said that we will be legislating accordingly in the second half of this year, so watch this space. We are not too far away and in coming months we will see that legislation to deliver on that and likewise to deliver the lowest electricity prices in Australia for regulated customers, residential customers and business customers alike. That is our target by 2022. We are on track and that is because of our energy policy.

We took it to the last election with the former premier, Will Hodgman. We were at Lake Gordon and we announced that policy. I have been asked about the delinking. We said that we would delink. Why should Tasmanians be paying Victorian prices for their electricity? They should be paying Tasmanian prices for Tasmanian electricity, not Victorian prices for Tasmanian electricity. We made that point and we stand by that. I am pleased and proud to say that policy is progressing. Not only that, in the six years and a bit since we have been in government the regulated power prices have only increased by around 2.2 per cent in nominal terms. Compare that to the 65 per cent increase on the Labor government's watch when they were in power.

What does this mean in real terms? In real terms it means residential prices have actually gone down by 12 per cent for residential customers. What does it mean for small business? It means that for small business customers prices have gone down by 19 per cent. That is a significant drop over that six and a bit years since we have been in government. I am pleased and proud to be part of a government that has delivered on putting down the cost of living. The pressure on cost of living has gone down, down, down and in terms of cost of doing business, down, down, down.

We have been delivering in spades, with a 1.38 per cent drop just a month or so ago on 1 July this year. If you add up that 1.38 per cent drop with this average saving applied across the 243 497 residential regulated electricity users in Tasmania, it comes to a collective reduction of $6.3 million. If you add that to the $45 million per year offered in government concessions to Tasmanians who are elderly or have a disability, those doing it tough, this is amongst the most generous concessions in Australia being delivered in Tasmania under the Gutwein Liberal Government.

I am so pleased and proud to be a minister that is part of that government delivering these energy policies for Tasmanians, amongst the generous concessions in all of Australia. You have the $45 million, and then on top of that you have the recent announcement - and there was no mention of it from my counterpart - the Aurora Energy $5 million that the board committed some months ago to assist customers with bill relief, with waiving fees, with waiving charges. They are running what is called the Winter Bill Campaign to help customers keep on top of their energy costs whilst living and/or working at home this winter.

I did not hear any mention of that during the debate so far. I make it very clear: it is a very important initiative. I thank the Aurora Energy board and the chair, Mary O'Kane, for her leadership in delivering that important initiative to support Tasmanians doing it tough.

You have the $6.3 million collective reduction for those Tasmanians from the 1.38 per cent, you have the $45 million concessions to Tasmanians, you have the $5 million COVID-19 fund from Aurora Energy, and on top of that you have the $1 million for the energy-saver and subsidy NILS scheme. That is a very important scheme for Tasmanians doing it tough who need that support in terms of energy efficiency measures to help them in their homes.

That is well over $57 million in assistance to help Tasmanian customers manage their bills during COVID-19 and the winter bills that are currently being faced, at the moment. They are unheralded, unprecedented record levels of support for Tasmanians, and that is the stimulus we have been offering over a good deal of time, particularly during this COVID-19 unprecedented environment we are in.

This was all on top of what is called TEELS, the Tasmanian Energy Efficiency Loan Scheme, which continued for a number of years. There was some $35 million of support from this Government, through a partnership with one of the major banks, Westpac, to support Tasmanians to provide them with energy efficiency measures that would help them respond to the winter bills and make their homes more energy efficient. That was an injection with many of those no-interest loans, and support. TEELS was really effective and worked really well. We are pleased and proud to be able to deliver that initiative over those few years. On top of that, we have had further funding support for the NILS scheme, which is being offered for those doing it tough.

In addition, I announced just a few weeks ago the support for small business. I have not heard much from the Opposition spokesman with respect to small business and I would like to touch on the measures of support -

Mr O'Byrne - We dragged you kicking and screaming to the multi-tenanted small businesses. You said no initially.

Mr BARNETT - No, we announced it without any fanfare or pressure or concern from the Opposition and no, we announced it -

Mr O'Byrne - We dragged you kicking and screaming to that one.

Madam DEPUTY SPEAKER - Order, the minister is making his contribution.

Mr BARNETT - without any fanfare, pressure or concern from the Opposition, and that was support of some $27 million for some 34 000 small businesses around Tasmania. That is the vast overwhelming majority of those eligible small businesses. I am pleased and proud of that initiative.

With a background in small business, I know what it is like, having acted and advocated for small business for much of my life, prior to being in the Senate and in the state parliament. I know they have their neck on the line, and that they put their homes on the line for their businesses. I know how important it is. To provide that quarterly bill waiver from April this year for that following quarter has been very important.

I have been to so many businesses, and they say thank you for that bill waiver. I have had correspondence and emails and feedback as I travel the state and meeting small businesses up hill, down dale, in the regional towns, Launceston, Burnie, Devonport and Hobart - in all the big towns and small towns, all the little places where there are small businesses, they appreciate it. The vast overwhelming majority were granted that $27 million.

On top of that, during that announcement, I mentioned again last week a thank you to TasWater for the estimated $25 million of support for those doing it tough with regard to water and sewerage costs. I acknowledged that contribution last week on the record, to local government as the owners of TasWater.

Further - and I think this is what my shadow was referring to a few moments ago with that interjection - was the $1000 grant to customers in an embedded network. This is what I announced last week. It is quite complex. Wherever there is an embedded network - where there is a large building, it might be a supermarket, a shopping centre - there is going to be a $1000 grant. The criteria for those 1000 businesses estimated to be eligible for that grant are being worked through. Wherever there is an embedded network - whether it is a shopping centre, a building, a hospital, it might be a dentist, a doctor, a hairdresser, a small business, or a retail store in that shopping centre in that building. It is very complex and Treasury has been working through that. I thank the Premier and Treasurer for the support to help make that happen.

Mr O'Byrne - By interjection, how can people apply for that?

Mr BARNETT - The criteria will be made available in the not too distant future, and the application process will be made clear at that time. It has been quite complex. I appreciate you did raise that some time ago. It is noted and we have taken it up, so we have been listening and responding. We will always do whatever we can to support Tasmanians, whether they be residential or business, to keep the cost of doing business down, and the cost of living down. We will do everything we can to support Tasmanians.

It has been very tough during the COVID-19 pandemic and we are not through it. It takes time, and we will continue to monitor arrangements and do everything we can within our powers and the budget arrangements.

I thank the Premier and Treasurer for his investment in our energy policy to keep the cost of living down and the cost of doing business down. I mentioned the Aurora Energy $5 million, and I have put on record our thanks to the board and to Mary O'Kane as chair.

With regard to some of these key performance indicators, I will indicate how important it is that there have been no disconnections of electricity or gas customers during this time. I was a little surprised when I heard that. I thought there would have been, but I am really pleased. Aurora Energy has stepped up to the plate and made that possible. Tas Gas Retail likewise. There is a commitment there, and the Government is cautiously optimistic that its power bill relief initiatives are working well to support the Tasmanian community.

Another key performance indicator is that since the pandemic began, the number of customers on a payment plan has actually reduced - down from 3313 at 30 March, to 2503 as at 20 July. That is a good indicator and means we are getting through this COVID-19 pandemic.

This is an interesting fact. The percentage of the Tasmanian electricity customer base on a payment plan is 1.02 per cent. This compares favourably with the national electricity market average of 1.36 per cent, so we are clearly managing through the impacts of the pandemic. I know it is not easy, particularly for some people, during this tough time and during COVID-19.

There are many initiatives that we are taking on board and implementing. We will continue to so but, as I say, it is in stark contrast to the 65 per cent increase during the time Labor was in government and the Labor-Greens government.

I mentioned the Aurora Energy support package. I am pleased with that, whether it is waiving fees and charges, freezing debt, helping customers and so on.

I want to speak to another one of their initiatives, and that is the Your Energy Support - YES - program. That program links into helping vulnerable customers, those customers doing it tough. It identifies and assists those customers to manage their energy use and affordability. Customers participating in the YES program are provided with the information on energy efficiency, on financial counselling services, and other financial assistance. I can advise the House that as of 12 September 2019, 9988 customers had participated in the YES program since its November 2014 launch, with approximately 5000 customers, or 50 per cent, successfully completing the program and/or switching product. That means the program is working. I spent some time with those in the call centre - it was well before COVID-19, last year - and it was great to meet those on the desk, on the phones, doing the work very energetically, and in a compassionate caring way, with the Your Energy Support Program.

I say thank you to Aurora Energy, Rebecca Kardos and the team for what they are doing, particularly during COVID-19. It has not been easy for those people on the front line. They have had to innovate. They have had to adapt to working from home primarily - or most of them at home - to support Tasmanians, whether they be residential or business customers.

I should acknowledge the electricity hardship fund, administered by the Salvation Army, which provides Aurora Energy customers with short-term financial relief. I am very pleased to say that a partnership between Aurora Energy and the Cancer Council of Tasmania was established in February 2017 to assist patients undergoing treatment with the cost of their electricity. Since the partnership commenced, Aurora Energy has paid $172 297 for 609 customers living with a cancer diagnosis. It is good to note that, and to bear that in mind.

Aurora Energy has also provided incentive payments to vulnerable customers who are adhering to the YES program, to help reduce their outstanding debt. At the end of January 2020, payments of over $291 000 have been made to customer accounts.

You can see there has been such an unprecedented level of support, not just for the community generally, but during this difficult time as the COVID-19 pandemic has evolved.

I want to make it very clear that we have the runs on the board with our Tasmania-first energy policy. We have our renewable energy draft action plan out for public comment at the moment, to conclude in just a few weeks' time in September, and then we will respond accordingly.

Our energy policy is in four key parts, to deliver jobs on the ground, particularly in rural and regional Tasmania - not just the north-west and west coast, but across the north, through the Central Highlands. We have big plans through Marinus Link, Battery of the Nation and now we have heard earlier today about our plans for renewable hydrogen and I will comment on that very shortly.

The four key planks are: jobs, investment, downward pressure on electricity prices and improved energy security. You can see that we are delivering. We are already delivering. Tasmania is the renewable energy powerhouse of Australia. We are, and have plans to be, a renewable energy powerhouse of the globe. The world wants what we have got, which is low cost, reliable, clean electricity. That is why I was pleased today to make an announcement regarding our expression of interest process for renewable hydrogen.

All of this is on the back of a $50 million support package for this sector. This is jobs for the future and we are very excited about that. That is on the back of our world-class water resource, our world-class wind resource, renewable energy credentials. It was great to hear from Felix Ellis during his presentation today about his plans, hopes and visions for the future. What an outstanding first speech. In all of my time in the Senate and likewise in federal parliament I have never seen, heard or witnessed a first speech like it. I congratulate Felix Ellis on that contribution. It will go down in history as one of the best ever first speeches in this place or anywhere as far as I am concerned. I say congratulations and well done, and to Margot Kelly who was here in the Chamber watching.

Part of that aspiration that Felix outlined was to build on our strengths. He mentioned the natural assets, as I say, the world-class water and wind resource. He talked about the

importance of jobs on the ground, the importance of reward for effort and those sorts of things. I say congratulations and well done on that.

Our energy policy is working. It is delivering. As I say, jobs and investment, billions in investment, an estimated $7 billion as a result of Marinus Link and Battery of the Nation and those related projects, which will unlock renewable energy projects across the state.

In terms of pumped hydro, we are very excited about that with those three particular pumped hydro sites being identified with a decision in the not too distant future about the preferred site going forward. There is so much to look forward to.

A few concluding remarks before I wrap up, first about the reference in question time today - and which the shadow minister included in his contribution this afternoon - to an electricity customer, I think it was Sarah, in the northern parts of Hobart. She was having power difficulties in meeting those needs. I have been advised that person has been contacted and provided with assistance by Aurora Energy under its COVID-19 assistance plan, which is what I was referring to earlier under that $5 million support package. Customers have to make contact with Aurora Energy.

We encourage those doing it tough to contact Aurora Energy. They must actually contact Aurora Energy to ascertain the opportunity for support. I encourage those on the other side, my counterparts and others on the other side, to encourage those people who are making calls to your offices or expressing a view, to please ask them to contact Aurora Energy to see if they are eligible. Aurora's customer service centre phone number is 1300 132 003 that is from Monday to Friday 8 a.m. to 6 p.m.

If there are any customers out there who are listening or see this *Hansard* and read it or need to know any more, if they need assistance with their power bills I encourage them to contact Aurora Energy, whether through the Aurora website or through the customer service centre phone number I just mentioned.

I implore the Labor Party, please do not play politics. If you have those concerns, if you are concerned about those constituents, please make that very clear to them. That is the best way to follow up. Electricity is an essential service and if they identify a customer needing assistance that is where they should be directed, to contact Aurora Energy as the retailer as soon as possible.

In conclusion, no, we will not support the motion put forward by Mr O'Byrne on behalf of the Labor Party. He was minister for economic development and the economy went into freefall during his time on watch, into recession. You indicated, was it October, in the opinion piece that you would do the hard work to develop a development business plan for Tasmania -

Ms Butler - There were 106 000 households on payment plan extension programs in 2018. It has only got worse, minister.

Mr DEPUTY SPEAKER - Order, Ms Butler.

Mr BARNETT - Let us make it very clear. We still have not seen the plan. We have been waiting and waiting. Come on, bring it forward. We are looking forward to it. I am

making a concluding remark - we are looking forward to your plan. You said you will do the hard work. We are looking forward to seeing your plan.

Mr O'Byrne - How are you going to pay for Marinus?

Mr BARNETT - You said you will do the hard work. We are looking forward to seeing your plan. Of course, the shadow minister for energy said that I will do the hard work. There is no 'I' in team is there? TEAM. Together everyone achieves more. There is no 'I' in team. It is TEAM. Together everyone achieves more so I think you have been caught out there.

Mr O'Byrne - You did not even vote for Mr Gutwein, the member for Bass. You were going to vote for Michael Ferguson.

Mr BARNETT - You have been caught out there.

Mr O'Byrne - No you have been caught. You did not even vote for Mr Gutwein. You did not even vote for the member for Bass. You picked the wrong team; you picked the wrong horse.

Mr DEPUTY SPEAKER - Order, Mr O'Byrne.

Mr BARNETT - You have been caught out on the hop, Mr O'Byrne. There is no 'I' in team: TEAM. When you have publicly said that you will be doing the hard work to provide the economic development plan for Tasmania, we are all still waiting. We look forward to receiving that no doubt on behalf of the Labor Party.

We will not be supporting the motion. We are pleased and proud of the initiatives that we have put in place. It has been really tough during COVID-19 and as the pandemic rolls through we will continue to work hard to do everything we can to support the Tasmanian people, whether they be residential customers, business customers, or the community across the board.

[4.37 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, people who might be watching the proceedings of parliament today might have been dismayed to hear the latter part of the minister's speech. I certainly was because whilst there is a time to show levity and to be political, this particular debate is especially one where that is not appropriate. It is really concerning to see that the minister has not grappled with the intention of the motion that is before us. I hope to persuade him to change his mind and for the Government to support a motion like this. The Greens have a proposal for a minor amendment to it.

People in Tasmania are suffering enormously from anxiety and stress. There is a large group of people who are not only suffering anxiety and stress, they are suffering deep pressures about the cost of living and their inability to cover bills. What we are so concerned about is the perfect storm which is coming at the end of September. Whilst the Government has laid out a range of things that have been provided, that is true, we are concerned about the impact of the end of September. What has been a period of relative stability and relative support for a number of people, a vast proportion of people in Tasmania, that is going to come to an end.

It is not good enough to talk, as the minister has done, about general energy supplements and general support. This motion is talking about support for people who are vulnerable, for people who are in financial distress, financial stress.

We know that Tasmanians have done the right thing in this pandemic. All the way along Tasmanians have listened to the restrictions, they have adopted the restrictions, and as a state we have benefitted from saving many people's lives, so many people's lives, but people have lost their jobs, they have lost their wages. These are people who are supporting families, people who are looking after other people in their lives, people who were already living in rental poverty, people who are already struggling with an inability to pay bills. We have to understand and this Government needs to wrap its head around the fact that we are in this for the long haul.

I know the Premier understands we are in a period of responding to the COVID-19 pandemic until a vaccine is available. The fact is we have to be in it for the long haul to support the most vulnerable people in the community as well, not just because we are a community and we have to support the people who are the most vulnerable but because we have to be able to continue to adopt the restrictions we have in place that keep all of us safe.

We have to give them a sense that the Government is supporting them because they are doing the right thing. It is not their fault that they have lost their job. It is not their fault that they are finding it harder and harder to pay bills. It is something that as a community we have to all work to support each other. First and foremost, the Government has to recognise it has to step in and provide specific financial support for people who are about to approach the cliff and fall off the other side of it.

Winter has always been an expensive time and bill shock is not a new phenomenon. However, this year we have had families spending more hours at home doing the right thing and that is going to be reflected in the winter power bills they will be getting. We all know winter is not over and those power bills will not be coming until close to the end of September.

We also know that many renters are stuck with power-hungry heating appliances and they have little or no choice but to run those heaters to stay warm and deal with the bill when it comes along. They might like to be able to afford to put in cheaper heating but they cannot do it. They cannot prioritise it because week to week, sometimes day to day, people are struggling just to try to meet the basic needs of survival and anything above it that is the icing on the cake, like being able to pay the bills on time so you do not have a cost from not paying things on time.

This is the sort of luxury people who have disposable incomes are able to have. These things can be negotiated but they cannot always be negotiated with landlords or some other bodies the bills are required to be paid to. We need not just support for individuals but it would also be desirable in the near term to have a strategy, a policy, announced by the Government to put energy efficiency into all public housing. We started down that track but it is something that has to be included in this year's Budget because that is an important way of supporting the most vulnerable people in low-income housing to at least get a grip on their electricity bills.

Some renters are going to be facing the expiry of the rental protections and the debts that people have incurred throughout this period. On 30 September renters will no longer be protected from evictions and the rental increase cap will lift. It will be payback time for renters

who have been able to negotiate a rent pause throughout this period because of their inability to meet the bills because they have lost their job.

Mr Deputy Speaker, this is a crisis for people who have had rental protections. It is a crisis for the most vulnerable people who are already in unstable financial conditions in housing. Even more frightening for many is that the difficulty of paying the winter bills we are talking about is going to be compounded by the initial JobKeeper and JobSeeker packages also expiring at the end of September. These will be replaced with reduced payments. JobKeeper will fall from $1500 a fortnight to $1200 a fortnight in September and the federal government has indicated it will fall again in 2021. That is a $150 a week drop for people, most of whom are already on a lower income than they were before COVID-19. The JobKeeper payment for people working fewer than 20 hours a week will drop to $750 at the end of September and the Government has committed to lowering it to $650 in 2021. The JobSeeker payment will fall from $1100 at the end of September to just $800 a fortnight at the end of September; that is $400 a week.

Look at the situation in Tasmania. The ABS has recently provided this data just two days ago which showed that by June, 35 per cent of Australians had received a personal stimulus payment from the Government in response to COVID-19. That is not a business stimulus payment but a personal payment. I do not have the figures here for Tasmania but we can expect it would be much higher than the Australian average.

The survey showed the main use of the stimulus payments was to pay household bills. One third of people used that money to pay household bills, which was a change from just the month before when the majority of stimulus payments had been to add to savings. People are getting these personal stimulus payments and are not putting them in the bank. We know now very clearly that they are using them to pay for everyday cost of living bills and this is the situation that so many people in Tasmania will be facing now and at the end of September even more critically.

The CEO of the Australian Council of Social Services said that the Government should maintain the payments so that all people can cover the basics. She was saying what everybody here would understand: the loss of these payments is concerning and expected to have a devastating effect on many people. Tasmanian Council of Social Services acting CEO Simone Zell said on 1 June that any additional assistance to help people keep their families warm during this winter would be welcome, while the City Mission CEO said that any support the Government could provide to people facing hardship and which was steered directly to that socioeconomic group was good.

The Premier said on 1 June that the Government was already providing a supplement in the form of a freeze on both energy and water prices for 12 months, and this is what the minister was referring to in part in his speech. A freeze on the interest rate until next April is not a targeted supplement. It is not targeted to people in financial stress. It is a general freeze across the population. It does not deal with the fact that you have higher than average energy use because people have been staying at home over this period and a reduction in people's ability to pay because a large group of people in Tasmania have lost their jobs and are in financial stress. We need it to be focused, not general. I have prepared an amendment from the Greens. I have copies that I will circulate.

Mr Deputy Speaker, I move -

This motion be amended by omitting paragraph (8) and inserting instead -

(8) Recognises the financial difficulties being faced by Tasmanians will reach new depths on September 30 when residential rental protections expire, and JobKeeper and JobSeeker supports are slashed.

(9) Calls on the Government to tackle the ongoing hardship being experienced by many Tasmanians by extending residential rental protections until 31 December, and by providing a winter energy supplement to households in financial stress.

The minister said that any suggestions that the Government has not been pulling its weight in reducing the cost of living is not the case. That is clearly not true because there is always more we can be doing and, in this instance, we have to be doing. We have to be supporting the people who are at greatest risk because we have this cliff coming and general cap on electricity price increases is not the targeted support that people need.

We have deep concerns about the brewing storm of those three pressures that are coming together at the end of September: rental protections, the loss of JobKeeper and JobSeeker, and winter power bills.

The Labor Party has been clearly voicing its concerns on this matter and raised these issues many times in parliament, including today.

We are deeply concerned at the prospect of the end of winter and the bill that will come with that at the same time as these cost of living pressures. We have been imploring the Government to extend the rental protections. This is something we must have in place to give people assurance so they can deal with the level of stress they are under. People in Tasmania are doing their best to do the right thing and to respond to the restrictions. These restrictions are here until we get a vaccine or for the foreseeable future, as the Director of Public Health has made clear. We are not going to be seeing dramatic changes.

The whole of Australia is recognising that these restrictions are in place. That means they will be having an ongoing effect on our industries, many jobs will struggle to get up again, and many lives are affected by not having the income that they had and not being able to cover their bills.

We strongly encourage the minister to consider changing his position on this and support this amendment.

[4.54 p.m.]

Mr O'BYRNE (Franklin) - Mr Deputy Speaker, I thank the member for Franklin for moving the amendment.

The addition of a new paragraph (8) takes into account JobSeeker. JobSeeker does not add to the intent of the motion with regard to our contribution. We have identified the challenges faced by Tasmanians. JobKeeper and JobSeeker are not exactly essential necessarily to this motion. It is the principle of those people that are in need of a winter energy supplement. We do not think that adds.

Regarding extending the residential protections. We have been very clear in this House, not only in the initial debate before parliament, that we did need to have good protections for renters in Tasmania. To manage that issue, which is a complex issue, we are not sure that 31 December is the best.

Ms O'Connor - It is a simple order.

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr O'BYRNE - We are not convinced. We are engaging in a debate with the Government about how best to protect those people who are currently benefiting from those rental protections. We have raised on a number of occasions in this House that the drop-dead date for that provision is fast approaching. The Government cannot wait until the death knell to make a decision. People in tough circumstances and not the best negotiating positions are already being told that when the extension to the residential rental protections expire, they will either be evicted or the house will be sold.

We know that there is already tension, and there is already pressure. It is incumbent upon the Government to respond. The minister's position today and yesterday, essentially a wait-and-see proposition, is not acceptable.

Ms O'Connor - Well, express parliament's will to see it extended.

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr O'BYRNE - We think this is a real and tangible issue that should not be dealt with by an amendment with a few minutes to go on a debate around the winter energy supplement. We are not convinced that just simply saying extend it to 31 December is the best way to resolve -

Dr Woodruff - Mr O'Byrne, they can only be extended for three months at a time.

Mr DEPUTY SPEAKER - Dr Woodruff, you have made your contribution.

Mr O'BYRNE - this. It could be a proposition to move to six months. We believe -

Dr Woodruff - That is the next extension period.

Mr DEPUTY SPEAKER - Order, Dr Woodruff.

Ms O'CONNOR - Point of order, Mr Deputy Speaker. I find it offensive when Mr O'Byrne is talking about the female Greens MPs, and uses terms like 'rant and rave'. I find it gendered, to be honest, and dismissive. We are actually making a point that is valid because he does not understand the process for extending the tenant protections.

Mr DEPUTY SPEAKER - It is not a point of order, Ms O'Connor.

Mr O'BYRNE - Thanks. I am very careful with my language in terms of -

Ms O'Connor - No, you are not.

Mr O'BYRNE - You demand professional behaviour of other people, and you want to be treated like a professional, in this House.

Ms O'Connor - I want to be treated like an equal.

Mr O'BYRNE - Some of the rubbish you go on with. The way you treat people off Hansard, and the names you call people, like a schoolyard sort of taunt in this place. Just outrageous.

Ms O'Connor - Coming from you, Mr O'Byrne, confected outrage.

Mr O'BYRNE - Not at all. Some of the names you have called me, you have called the member for Franklin, Ms Standen, the member for Lyons, Jen Butler, other members in this House. Every time we get up, and if we dare to disagree with you you resort to abuse and yell, ranting and raving. It does you no good, Ms O'Connor, it does you no good.

Ms O'Connor - Again, ranting and raving.

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr O'BYRNE - It is not a gendered term. There are many gendered terms. That is not one of them.

We believe that the issue of residential rental protections is an issue that does need to be debated by this House. It does need to be potentially dealt with by a motion in this House. It should not actually be dealt with by an add-on on an important substantive position regarding winter energy supplements.

As for the amendment, while we do not disagree with the sentiment behind it, we do not think it is appropriate to muddy the waters during this motion. This motion should stand on its own two feet. It is calling on the Government to deal with, and commit to, a winter energy supplement that will assist thousands of Tasmanians across this state.

Rental protection is a substantive matter that should be debated, that should be dealt with. The Government should act. On behalf of the Opposition we oppose the amendment.

[5.00 p.m.]

Mr BARNETT - The Government will not be supporting the Greens amendment or Labor's motion, but with respect to the residential rentals protections the shadow minister indicated concerns from Labor's side and likewise the Attorney-General and Minister for Building and Construction outlined her views this morning in question time and made it very clear. It is obviously very important for the Government and the minister will have more to say about that in the not-too-distant future.

Time expired.

Question - That the amendment be agreed to - put -

The House divided -

AYES 2	NOES 21
Ms O'Connor	Ms Archer
Dr Woodruff (Teller)	Mr Barnett
	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis (Teller)
	Mr Ferguson
	Mr Gutwein
	Ms Haddad
	Ms Hickey
	Ms Houston
	Mr Jaensch
	Mr O'Byrne
	Ms Ogilvie
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Ms Standen
	Mr Tucker
	Ms White

Amendment negatived.

Question - That the motion be agreed to - put -

The House divided -

AYES 10	NOES 12
Dr Broad (Teller)	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Haddad	Mr Ellis
Ms Houston	Mr Ferguson
Mr O'Byrne	Ms Hickey
Ms O'Connor	Mr Jaensch
Ms Standen	Ms Ogilvie
Ms White	Mrs Petrusma (Teller)
Dr Woodruff	Mr Rockliff
	Mr Shelton
	Mr Tucker

PAIRS

Ms O'Byrne	Mr Gutwein

Motion negatived.

MOTION

Environment Protection and Biodiversity Conservation Act - Draft Bilateral Agreements - Motion Negatived

[5.10 p.m.]

Dr WOODRUFF (Franklin - Motion**)** - Mr Deputy Speaker, I move -

That the House:

(1) Notes on 12 August 2020, the Federal Minister for Environment, Hon. Sussan Ley MP, published in the *Mercury* the Australian Government's intention to develop a draft bilateral agreement under s. 46 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC) with the State of Tasmania.

(2) Further, notes a bilateral agreement under s. 46 allows for actions, or a class of actions, to not require EPBC approval for the purposes of a Part 3 (matters of national environmental significance) provision.

(3) Understands that a bilateral agreement could easily ensure developments that infringe on world heritage properties and national heritage matters of national significance would effectively no longer require an EPBC approval.

(4) Further notes a recent court ruling by the Resource Management and Planning Appeal Tribunal (RMPAT), upheld by the Supreme Court, found the Court does not have the jurisdiction to review the Reserve Activity Assessment (RAA) process.

(5) Further notes the weakness of the current RAA process, and a looming s. 46 bilateral agreement, will soon lead to a situation where large elements of developments in Parks are unappealable and effectively entirely up to the Government’s discretion.

(6) Calls on the Government to not enter into a bilateral agreement under s. 46 of the EPBC Act.

On 12 August, Tasmanians learned through the *Mercury* newspaper, that the federal minister for the Environment had signalled the Australian Government's intention to develop draft bilateral agreements under section 46 of the Environment Protection and Biodiversity Conservation Act (EPBC) with the state of Tasmania. This means that the federal government is taking another step in its commitment to washing its hands of protections for rare and threatened and endangered species across the nation and to wash their hands of the responsibilities under the EPBC act by handing the authorisation for that process across to the states.

The Morrison Government has been clear about this from very early on. The 20-year review of the EPBC act, which is still in train, so far in their interim report, has found that that the 20-year old legislation is struggling to meet the needs of the environment, agriculture, community, planners and business.

Professor Graeme Samuel's interim report made the statement that it does not serve the interests of the environment or business. That was enough to signal concern for the federal government, despite the fact that he made it clear that the legislation was cumbersome and was not protecting environment values appropriately.

The fact that he signalled that has meant that they have fast forwarded their efforts to rip up the biodiversity protections across Australia that are enabled in the EPBC act at the moment. That is why they have come in ahead of the final report from the review of the EPBC act, as the federal minister for the Environment, Sussan Ley said: 'To commence discussions with willing states to enter agreements for single touch approvals'.

It is the single touch approvals, that language the minister is using and has become favourite jargon for the Prime Minister, which is striking fear at the heart of everyone around Australia who has spent their time loving and caring for their local places, for the values we have which are unique on the planet and that are increasingly threatened: those places in Tasmania we hold as a state, not only extraordinary values in themselves, but extraordinary values in the world.

Our Wilderness World Heritage Area is the only world heritage area which has the word 'wilderness' in it. It has the word 'wilderness' in it because it is the place on the planet that has been least affected by the impact of destructive practices, of roads. It has been looked after and shaped by Aboriginal people for tens of thousands of years.

It is a place where we can see the impact of that custodianship on the land and the values of the quality of the wilderness and the beauty of the rare and increasingly threatened animals within it. I really speak to why we have to maintain the EPBC act in its current form and strengthen it. The bilateral agreement, as is being proposed under section 46 of the EPBC act, allows for the management arrangements to be undertaken between the federal and state governments so the process happens at the state level.

This will enable threatened species protections and protections for the marine environment to be subverted, even in world heritage areas. As long as a state such as Tasmania can claim an accredited management arrangement or an authorisation process to be in place then the federal government's EPBC approval for an action or a development would not be required.

This is extremely concerning for so many reasons. Our understanding is that bilateral agreements could easily ensure developments that would infringe on world heritage properties and easily ensure that national heritage matters of national significance would effectively not be assessed under an EPBC process. You have only to look at the expressions of interest process for world heritage areas and national parks in Tasmania. What an incredibly secretive and shameful process that has been. It is something that has caused a vast outpouring of opposition from people all around Tasmania, and far wider than Tasmania, people who understand the threat that the Lake Malbina proposal provides to the integrity of the Wilderness World Heritage Area that we are responsible for looking after.

It is because this Government set up a secret process through the Office of the Coordinator-General that this train of events, with secret expressions of interest processes for seeking tenders of developer who are interested in having access to the world heritage area, to privatise and to exploit those values for private gain. Because of that process we are now in the situation where there is a Federal Court case in place, an appeal, where there has been a huge outpouring from people in the state about this 'foot in the door' proposal that Lake Malbina represents.

The problem in Tasmania is, who would the federal government provide as the authorised agency to undertake this work on their behalf? Who could that be in Tasmania who would be independent? Who would be capable of scrutinising the impacts on rare and threatened and endangered species to the extent that is necessary to ensure that they are not just protected but that they are valued and the conditions for their life are enhanced? This is what we need to be doing at the moment in an extinction crisis.

The problem in Tasmania is that we have an EPA which is called an Environment Protection Agency but functions as an 'everything passes anyway' agency. Under the conditions, the legal framework of the EPA, it is constrained to not be able to operate independently of government. Unlike EPAs in other states, our everything passes anyway agency operates under decisions that are within the minister's reach. The EPA legislation does require that the board must comply with directions from ministers, and the EMPCA act, section 15, says that the board must act to uphold the minister's statement of expectations.

Let us be really clear about what the statements of expectation say right now. Page 3 of the statement of expectations says that, 'The board must facilitate affluence and productivity'. That is a very clear direction. The minister expects that directive to flow through to the approvals granted by the board, to the licence conditions that are put on activities, to the licence breaches, and whether they are enforced or not.

So we find ourselves in a situation where we had three salmon farm companies that were operating in Macquarie Harbour with extensive licence breaches to their farming operations, creating dead zones in a World Heritage area, creating massive nutrification in the water and algal blooms, and a huge amount of damage to the marine environment in Macquarie Harbour. Still, the EPA was not capable, and did not act to intervene and to effectively enforce those licence breaches. So, without that ability for independence, we have salmon farm expansion around the state, without any real possibility of monitoring the marine impact of salmon farm plastic pollution, of the impact on local estuaries, such as we have seen where salmon farms have been operating for decades.

They have now moved out of some of those estuarine areas in the Huon and the Channel because they have effectively created dead environments there. They have moved into new areas because they are new places to plunder, but the concerning thing is without the intervention of an independent EPA, it is difficult to require the proper monitoring that is necessary to ensure the protection of the marine species, and also to uphold the enforcement of breaches when they occur on the community.

The major projects bill that is being debated at the moment - and do not worry, I am not going to go into any details - I think we have made the points very loudly and clearly in this House but the combination of the major projects bill, along with a functionally weak EPA, and

this proposal for bilateral arrangements between the federal government and Tasmania, strikes a frightening accord for people who are concerned about the protection of natural species.

It is not overstating it to say that there has been a determined effort on the Liberal state and federal governments to come into office and to rapidly move to weaken as many environmental protections as they can get their hands on. The Greens are standing up to this today in the Senate. They will be standing against the weakening of the EPBC Act and the legislation that is coming before them.

Here in this place, the Greens in Tasmania will always stand up for stronger environmental laws. They have come to a place where we did not believe they could be weaker than they were, but sadly that is what we are seeing with this proposal for bilateral arrangements, because it would remove the responsibility of the federal government to assess so many developments where they have been the last bulwark, if you like, between rampant development in Tasmania, and development that is undertaken understanding that it can be conducted in a way that does not threaten and endanger species that need protection.

There can be a relationship which is healthy and functional between development and the role of the EPA, to make sure that development looks after and protects rare, threatened and endangered species. It enhances functioning communities of forests and wild places. That is what we need to do, particularly now more than ever because of the extinction of plants and animals, insects, birds and all types of mammals that is happening around the planet, and also in Australia.

After the bushfires last year, people on the mainland are really devastated at the prospect of these bilateral arrangements coming in, because they are facing the possible extinction of a number of species. So much habitat lost. So many animals directly killed. So many more weakened. Communities of animals and plants weakened because they have been disconnected in the landscape. We are at a tipping point. Now is the time to act and be stronger in our laws that protect nature.

Mr Deputy Speaker, we do not support this proposal for a one-stop shop to weaken the environment laws even further in Tasmania. The weakening of the federal EPBC Act will mean a weakening of environment protections in Tasmania.

It is not possible to hand over the assessment of rare, threatened and endangered species of national significance to the Tasmanian government, to the Tasmanian EPA, to our Tasmanian processes, and expect to get anything like the level of assessment and the quality of decision that happens at the federal government. Poor as it often is, it is vastly better than what is on offer here in Tasmania.

We do not support these bilateral arrangements, and we will be doing everything we can to speak against them and oppose these horrible laws.

[5.28 p.m.]

Mr JAENSCH (Braddon - Minister for Environment and Parks) - Mr Deputy Speaker, I rise to speak briefly on the motion today regarding the EPBC, and for the opportunity of further, closer and more harmonised state and Commonwealth environmental protections.

I note Dr Woodruff's contribution. I reject, and resent to some extent, her assertion that it is not possible for Tasmania to have anyone in Tasmania to competently and independently assess matters of environmental importance in Tasmania. There are a lot of people who do fantastic work in this state who will take offence at that.

Dr Woodruff - You could change the law.

Mr DEPUTY SPEAKER - Order, Dr Woodruff.

Mr JAENSCH - I have faith and confidence in our independent EPA, and in Tasmanians in general, to care for and make good decisions about the protection of our environment, while also achieving ecologically sustainable development and protection of national environmental matters.

The Tasmanian Government has a comprehensive regulatory framework to assess and manage environmental impacts of proposed developments. The Tasmanian Government is strongly supportive of measures that reduce duplication in the environmental approval system, while maintaining rigour in the assessment and decision-making processes.

As the House is aware, the federal environment minister has published her intention to develop a draft bilateral approvals agreement with the state of Tasmania. The agreement will facilitate a single-touch approval system under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 - the EPBC Act. It is my understanding that Tasmania is not the only state that is willing to commence discussions with the federal government regarding the proposal for a single-touch approvals process. In fact, all states have responded with interest. I believe Ms O'Connor and Dr Woodruff denigrate Tasmanians' ability to make good decisions here in accordance with Commonwealth national environment standards. I think they are fearful of losing the opportunity to lobby the urban electorates of Commonwealth ministers when a decision does not go their way.

The opportunity to achieve a more streamlined environmental assessment process already exists under the current assessment bilateral agreement with the Commonwealth which has accredited the independent Tasmanian EPA board assessment process under the Environment Management and Pollution Control Act. The EPA board is able to do the environmental assessment and provide that to the Commonwealth for decisions under the EPBC Act.

Ms O'Connor - Are you aware the EPA ticked off on the Tamar Valley pulp mill?

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr JAENSCH - The process means conditions imposed by the two approvals processes can be closely matched. Having an accredited bilateral approvals process will allow the EPA board to be the sole decision-maker and impose conditions relevant to both the EMPCA and the MPBC requirements. A recent example of an assessment under the bilateral agreement that could have benefited from an accredited approvals process is the Jim's Plains windfarm where the EPA board assessment provided state approval and could have provided the EPBC approval to the standard required by the Commonwealth minister if the process was accredited.

Such a process allows the proponent to develop one set of documentation and be subject to one set of consistent conditions applied at approval. What the Greens need to understand is

that what we are aiming to achieve is not reduced environmental or biodiversity outcomes but a more streamlined and effective process that actually makes the outcomes that it sets out to achieve. As we have said in here before, the Greens will take a protest over a process any day but the rest of us need to know where the goalposts are and have an efficient process for moving through them.

We need to support ecologically sustainable development in Tasmania, especially as we come out of the COVID-19 pandemic, and these reforms will do just that, reducing red tape for business in Tasmania, something this Government has always supported, alongside protecting our unique natural values.

Ms O'Connor - You can't have both. You cannot reduce red tape -

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr JAENSCH - You cannot have ecologically sustainable development in Tasmania and -

Ms O'CONNOR - Point of order, Mr Deputy Speaker.

Mr DEPUTY SPEAKER - Ms O'Connor, it is not a point of order.

Ms O'Connor - I have been misrepresented because the minister just kicked an own goal.

Mr DEPUTY SPEAKER - It is not a point of order. Please continue, minister.

Mr JAENSCH - To respond to a point raised by Ms O'Connor last night in this place, I confirm that a bilateral agreement between the Commonwealth and the state of Tasmania on approvals has not yet been signed. These things take time. Negotiations need to occur with each of the states and territories and we need to get it right to ensure the continued support of ecological sustainable development in our state.

My department has commenced discussions with the Commonwealth to determine which of the state's approvals processes can be considered for accreditation under such an agreement, along with how the agreement will be structured. I am receiving regular updates on the progress of these discussions and I understand they have been productive so far.

One of the key recommendations in the recent Samuel's interim report on the independent review of the EPBC Act was to reduce the inefficiencies in the current environmental assessment and approvals processes, a recommendation supported by the federal government and our Government. The purpose of the review is to highlight the inadequacies of the act and recommend key directions for reform to address them.

The interim report identifies a number of actions which reflect this Government's submission to the review, including removing duplication, establishing a clear division of responsibility between the states and the Commonwealth, refocusing the Commonwealth on true matters of national significance and identifying further opportunities for partnerships between the states and the Commonwealth. In our submission we said:

> Duplication of processes and regularity overlap between the state and the Commonwealth has the potential to result in an incongruence between state-based and Commonwealth approvals, particularly in relation to the same natural or cultural values.
>
> The review should focus on removing duplicatory assessments and ensuring that where practicable, state and Commonwealth assessments and approvals are conducted consistently and do not result in conflicting outcomes.

We also said:

> Duplicatory assessment and approvals have the potential to result in significant financial and time expense without associated environmental benefit and the review should focus on ensuring better alignment between state and Commonwealth approvals processes and minimal regulatory overlap.

We welcome the report's recognition of a significant amount of duplication that exists in Australia for development assessments and approvals. In determining the appropriate role for the Commonwealth, it is important to keep in mind the original conceptual basis for establishing the EPBC Act, which was to focus Commonwealth assessment on matters of genuine national significance and thus avoid duplication and confusion with processes at the state and local government level. Duplication of process between the states and the Commonwealth is confusing for proponents, for departmental staff and other stakeholders and can add to unnecessary regulatory burden. Implementation of a bilateral approvals process will go a long way to addressing these concerns. We look forward to working with the Australian Government to implement these recommendations as soon as practicable.

We are cognisant of the fact that implementation of the reforms will involve significant state and Commonwealth cooperation and input as well as significant resources, especially during the initial stages as we establish a formal agreement. We will work to ensure that adequate support is available to facilitate the change and ensure a smooth transition to a new and robust assessment process.

Currently, less than half of the EPBC assessments conducted on Tasmanian proposals are dealt with through the existing state-Commonwealth bilateral agreement on EPBC assessments. The only process accredited is the assessment process conducted by the EPA under the Environmental Management and Pollution Control Act. It is therefore appropriate for our Government to consider building on the strengths of the existing systems and processes and initially considering the independent EPA board becoming the approving authority on matters it already assesses.

A focus on a single solution for all jurisdictions and/or circumstances may not be appropriate and a range of alternatives could be considered to achieve the objectives of the act and the most appropriate combination, which is likely to vary across jurisdictions. It is about the right tool for the job in each state.

The Commonwealth will need to retain its role in assessing and approving some developments, especially where there are international obligations, and the Commonwealth cannot delegate its powers as such as in the case for Ramsar wetlands and World Heritage sites.

It is encouraging to see in the interim report a series of recommended measures that will improve environmental outcomes while also providing greater certainty to land managers and those wishing to invest in the sustainable development of our state.

The devolution of assessment and approvals to the states, as recommended in the report, is underpinned by the adoption of national environmental standards and will be dependent on accreditation by the Commonwealth. We have long argued the need to have clear, consistent and agreed approaches to environmental regulation across all levels of government, so it is especially pleasing to see the report's recommendation that the states should be involved in the design of legally enforceable national environmental standards.

A set of national standards will decrease regulatory duplication and differences between the Commonwealth, states and territories so there is greater cooperation and harmonisation. Having consistent national environment standards will set clear rules for decision-makers and remove elements for discretion, while also providing certainty and clarity.

Broad environmental standards can be particularly useful in circumstances where variables can be accurately measured, where data is readily available and there is clear evidence to determine thresholds. Any standards would need to be flexible enough to cater for regional variation to reflect different climates, landscapes and ecosystems, as well as catering for a case-by-case assessment where warranted.

The interim standard included in the Samuel's report provides a starting point for discussions between the states and the Commonwealth and we look forward to contributing to the development of these standards to ensure positive outcomes for protection of Tasmania's unique environmental values and achievement of the environmentally, ecologically sustainable development that we all want and need.

[5.40 p.m.]

Ms STANDEN (Franklin) - Mr Deputy Speaker, I rise to make a contribution on this motion, that is at its heart about the current review of national environment laws. There is no doubt that Australia needs strong laws to protect our environment and properly manage the assessment and approval of major projects.

Once every decade, the country's federal environment law, the Environment Protection and Biodiversity Conservation Act, or EPBC Act, is reviewed. This review is currently being undertaken by former ACCC chief, Graeme Samuel. On 20 July the Government released his interim report and recommendations. The final report of the independent review is due to be presented to the federal government in October 2020. I understand it must be tabled within 15 sitting days of the minister receiving the report.

These laws underpin Australia's entire approach to protecting the environment. Of all the environmental challenges facing us, most are rooted in these laws' inability to offer protections or stop destructive impacts. There is little doubt in my mind that the current laws are inadequate. Some would even say, hopeless.

The Samuel review interim report found that Australia's natural environment is in an unsustainable state of decline, and that governments have failed to protect this country's unique wild life and heritage. An extinction crisis was well underway even before this previous summer's disastrous bush fires. Because of those fires, more than one billion animals died.

More than 12 million hectares of land was burned, causing devastating impacts on our natural environment and species. Not one animal has reversed its march towards extinction since the EPBC laws were introduced in 1999. We have lost seven million hectares of critical habitat. That is not to mention plastics, air quality, or struggling rivers. What is more, the laws do not even mention climate change.

The review of the EPBC Act represents a strong opportunity for reform. All governments can, and must, do better.

At the heart of this problem is mistrust, both from community and industry. Many suspect that the Morrison Government wants to use the review to deliver for business at the expense of the environment. The truth is that neither business or community are happy with the status quo. The good news is, in the middle ground, if we can strengthen and clarify the law's environmental outcomes and build institutions that can efficiently administer the law, business and community, will benefit through clarity and certainty.

It was disappointing that the Morrison Government, when the interim report was tabled, started cherry picking from the report on the day it was released in June. It will be disappointing if they try to rush changes through the parliament with unnecessary haste, before securing broad community support.

Labor has engaged strongly with the Samuel review since its inception. We continue to stay the course, follow and contribute strongly throughout this process. Labor does not want to see environmental laws rushed through the parliament, nor do we want to see these processes governed by Green's political party Senate tactics or motions. Just today, as acknowledged by Dr Woodruff, her federal colleague put forward a motion in the Senate. It appears that her federal colleagues want to wait until October before proceeding further with these reforms, that important processes, ticks and balances, if you like, need to follow. It appears she is well out of step with her federal colleagues in bringing on this motion in this parliament today.

Any changes should be underpinned by broad support across industry, conservation groups and the community. Labor is sensible about this and occupies that middle ground. Any changes to environmental law reform would need to be looked at closely and not at the whim of Greens political party parliamentary tactics. Nor would we want to see a winding back to the 2014 Abbot one-stop shop proposal that would have seen weakening and devolution of responsibility and weakening of environmental protections.

Federal Labor has said that Australians need strong environmental standards and a genuinely independent watchdog as an effective regulator. We welcome these directions within the interim report as well as other positive directions, including valuing indigenous knowledge and improving protection of cultural heritage. Federal Labor said that we need a clear role for the Commonwealth in environmental protection and quality decision making that is not hampered by cuts and mismanagement.

In Tasmania I have concerns about the capacity of agencies facing potential budget cuts. At the federal level the Liberal National Government cut 40 per cent of the funding to the Environment department, which led to delays, mismanagement and environmental decline. Their cuts and mismanagement have meant massive delays to jobs and investment, exploding 510 per cent under their watch. At the same time Australia's beautiful and precious natural environment has suffered unprecedented decline.

It is clear that we need a better approach. We must resource agencies to do this critical work. In addition to addressing the problems caused by cuts and mismanagement, law reforms can help. The review of environmental laws is only one opportunity for reform. Properly resourcing agencies to go about their statutory business is another. Better laws will protect our environment while allowing good quality decision making about proposed developments and projects.

The shadow environment minister has made it clear that reforms should not be rushed through the parliament. Any changes should be underpinned by broad support across industry, conservation groups and the community. If the Prime Minister, Scott Morrison, and his federal government are serious about securing broad support and durable reform they would commit to a good faith discussion, with all the recommendations from the Samuel review of the environment laws on the table, including strong national environmental standards and a genuinely independent watchdog.

In conclusion, I note that the final report from Graeme Samuel is not due until October. We have not seen any proposed legislation that would flow from that yet. When we do we will give it proper consideration. We should wait until the national environmental standards have been made public as they could lead to stronger environmental protections, especially as the environment movement is participating in the process of creating them. This motion is out of step with federal colleagues in the Greens who want to wait until October. The motion is premature and the Opposition will not be supporting it.

[5.48 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, that was a particularly uninspiring contribution from Ms Standen. When parties in this place, or members, put forward notices of motion it is to allow parliament to have the opportunity to express a view, the will of the parliament.

What we are seeking to do through this notice of motion is to send a clear message to the Environment minister from the parliament that the state of Tasmania should not sign up to a one-stop approval process under the EPBC Act. The irony of listening to the Environment minister score an own goal when he talks about reducing red tape and streamlining processes for environmental assessments was not lost on Dr Woodruff and me. Any time you hear 'reducing red tape' or 'streamlining processes' in relation to environmental law you are hearing a program to reduce the effectiveness of environmental law and to make assessment processes faster and easier for business.

We are already in a situation where the interim Samuel review has told us that the EPBC Act is failing to protect Australia's environment, failing to protect habitat and, as Ms Standen pointed out, species are heading towards extinction. They are becoming increasingly rare, threatened and endangered because the EPBC Act has failed to protect them. If we had had a one-stop approval process in Tasmania during the days when Gunns Ltd wanted to put its toxic pulp mill on the banks of the Tamar River we would have had it, in all likelihood.

If we had had a one-stop approval process before I entered parliament when Walker Corporation submitted its development proposal for a canal estate in Ralphs Bay, we believe that the State of Tasmania would have given the tick to that development. We already had the minister responsible for Crown lands sign the Crown land consent over the Ralphs Bay Conversation Area, which is an internationally significant migratory bird habitat. The then

government of Tasmania, the Lennon government, was totally behind Walker Corporation's proposal for a canal estate in Ralphs Bay, so it would have made sure that the assessment approval gave the development a tick.

I know that because we had a process happen in this place in 2006 before I was elected. I was sitting up there in the Reserve when we saw the Tasmanian government manipulate and, in fact, dishonestly describe the boundary of the Ralphs Bay Conservation Area as being at the high tide mark. The Government had misrepresented standard surveying practice, so as a result of the manoeuvring of the Lennon government the Ralphs Bay Conservation Area was shrunk to about a tenth of its former size on the map. Of course, it was not in the end because thanks to Lin Thorp in the upper House, the former member for Rumney, once that development fell over, the Ralphs Bay Conservation Area was expanded and increased.

The point I am making is that if an approval process is left in the hands of a state government that wants to see a development get up, there is zero chance that the state's approval process will reject a development, none whatsoever. That is the risk for people like the communities in and around Westbury if you have a one-stop approval process when you are dealing with a piece of land there, that beautiful little patch of land up Birralee Road, which has a multitude of rare and threatened species. Imagine handing the EPBC process over to the Tasmanian Government, which has invested so much politically in building that northern prison, to look at its own development. The frustration that Greens members in this place feel when we are derided for being the only voice in here that really stands up for the environment and community is that it is going to be some time before there is a Greens government and that allows both Labor and Liberal parties at a state and federal level to do significant damage to the natural environment and the sustainability of our natural resources to scar this landscape as well.

That is why we stand up. I said in my contribution on the second reading yesterday that it is the history of this island, that people love it so much they will defend it bodily. They will volunteer hours, days, weeks, months and years of their lives to protecting their place, the natural environment and the animals it sustains that in turn sustain us. Imagine a world without birds, Mr Deputy Speaker.

We do not want to see the State of Tasmania sign up to a weaker environmental assessment and approval process. We think the Commonwealth should be committing to strengthening the EPBC Act or enacting a new set of national environment laws that actually protect the environment and cannot be contaminated by politics, as we saw with Walker Corporation. Up in north Queensland at Tin Can Bay, another wetland, money changed hands between the developer and a Queensland minister, there were donations to a federal minister and what do you know, another canal estate-type development in a Ramsar wetland can get an approval under the EPBC Act because of the relationship between the developer and politicians. You need that one extra layer of assessment and accountability. Once you trash the environment and you trash our children's future you cannot get it back. We could not get back Ralphs Bay if it had a canal estate in it.

It is totally the wrong call. It is all about big business and developers, it is against good environmental management and the evidence of this is the Morrison Government which has demonstrated time and time again it has very little care for the natural environment. He will take no action on climate change. He has set up a coronavirus recovery task force which is

stacked with fossil fuel interests and all of its deliberations are happening behind closed doors and apparently under cabinet-in-confidence. What a farce.

Mr Jaensch and Ms Standen need to understand that we feel very strongly about this. It is genuine, sincere and we will not let it go. We will not stand silent while state and federal governments stitch up a fast-tracking process that allows bad developments to go through but impact on the lives of all Tasmanians and damage our children's future.

[5.57 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the minister's comments made it very clear that he has no problems with supporting the federal government's continued attack on our environment laws. He says he will be doing that by doing everything he can to reduce conflicting approvals between state and federal levels. It is a matter of a fact that there have been a number of developments in Tasmania, significant developments as Ms O'Connor mentioned, that were knocked off when they had the more rigorous scrutiny of the federal government being able to assess the impacts on rare, threatened and endangered species.

It is annoying for developers that they cannot get everything they want in Tasmania at the moment because there are federal laws in place that provide a modicum of extra protection. We need the minister to understand that conflict in this place between state and federal law is good for the environment and therefore fundamentally good for business, because something that is good for the environment is good for business.

If we look at our Wilderness World Heritage Area in Tasmania what a source of a joy it is for people who live here and people who come to visit it because it is protected. It has had a set of laws and an intact management plan, but that has already been unstitched and attacked by the state Liberal Government. What we do not want to see is the federal Liberals come in and do this extra additional unpacking of the environment protections which have seen Australia still be able to maintain a level of protection for environment at the federal level which is what we have to have.

We will be fighting at the federal level to improve our laws, to wait for any action from the federal government around the EPBC assessment which is still not finished. This is the government jumping in to support the business community ahead of what they know will be proposals by Graeme Samuel to go in harder and produce environmental protections.

Time expired.

The House divided -

AYES 2	**NOES 21**
Ms O'Connor	Ms Archer
Dr Woodruff (Teller)	Mr Barnett
	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis (Teller)
	Mr Ferguson

Mr Gutwein
Ms Haddad
Ms Hickey
Ms Houston
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Ms Standen
Mr Tucker
Ms White

Motion negatived.

MESSAGE FROM LEGISLATIVE COUNCIL

Endorsement - Draft Code of Practice

Message received from the Legislative Council -

Resolved -

That pursuant to Section 37 of the Australian Consumer Law (Tasmania) Act 2010, the Legislative Council and the House of Assembly endorse the draft code of practice prepared in accordance with Section 37(3) of the Australian Consumer Law (Tasmania) Act 2010.

It has filled up the blank with the words -

'Legislative Council and the'

C Farrell
President, Legislative Council
26 August 2020.

LAND USE PLANNING AND APPROVALS AMENDMENT (MAJOR PROJECTS) BILL 2020 (No. 26)

In Committee

Resumed from above.

Amendment to Clause 12 further considered.

[6.08 p.m.]

Dr WOODRUFF - Mr Chairman, I was speaking on our amendment to clause 12, proposed section 60E, explaining that the removal of the words, 'except with the approval of the Minister', removes the ability of the minister to waive the two-year waiting period for a project to be resubmitted if the proponent fails to provide a major project proposal.

This is very important. The Government has made a lot of noise about the lack of ministerial interference, and the fact that the minister is at arm's length from these processes.

I expect this is just an oversight on the drafting of the bill, and that, on the basis of what you have already said, minister, about wanting to keep at arm's length from the process, you would accept that clause 12, proposed section 60E(4) should not have the words, 'except with the approval of the minister' because that provides for undue and improper insertion into the process and enables the minister to provide the developer with an opportunity to resubmit within a two-year period.

We reject the whole bill but, in principle, any process like this has to have integrity within it, and there is no reason for the minister to be able to intervene to provide special treatment for a proponent, which is exactly what this proposed subsection does.

Ms O'CONNOR - I rise on that briefly because I feel very strongly that the minister is about to stand up and reject our amendment.

Mr DEPUTY CHAIR - I ask you not to pre-empt the minister, Ms O'Connor.

Ms O'CONNOR - I have been here a bit long, Mr Street.

I simply make this point: there is a risk here of 'land banking' on public lands and we are seeing it through the expressions of interest process for development inside the Tasmanian Wilderness World Heritage Area and other protected lands. A number of the EOI proposals were submitted to government in 2015-16 after the World Heritage Area Management Plan had been fixed to enable those developments. A number of those developments have gone nowhere and they are exclusive use developments potentially for proponents.

For example, the Tasmanian Walking Company, from memory, has three more developments it wants to put into the Tasmanian Wilderness World Heritage Area - none of them have proceeded, thank goodness. That is now five years, and a minimum of four years, where a company has been able to bank land effectively for exclusive use in the Tasmanian Wilderness World Heritage Area. If a proponent can get a project declared a major project and they cannot put forward a major project proposal within two years, there is something wrong with the viability of that project or there is an incapacity of the proponent to deliver that project.

We should not be embedding in statute the escape clause for developers to be able to land bank on crown land. Most of this will be on public land of some sort or another, on crown land, and then the developer will go to the minister of the day and say, 'Mate, look, can you give me another couple of years? Give us another couple of years. We are just organising finance over here. We are working with the architects but we have had to adjust the design.'

It is unacceptable that you can have a project declared a major project and there is not some proposal put forward within a two-year time frame. The people to whom it is the most unacceptable are communities. If you put yourself in the position of people who live in and

around Westbury, for example, if the Westbury northern prison is put forward as a major project and in the unlikely event that the Tasmanian Government does not bend over backwards to fast track it, you have a community that has its life on hold for two years. The people of Westbury have already had their lives on hold for almost a full year.

The same for the community in and around Dolphin Sands. For the best part of two years, they have already been trying to stave off that grotesque development and a specific area plan that went to the Tasmanian Planning Commission. We cannot keep doing this to communities. We cannot keep putting developers first every time and writing legislation that does that. Why should the minister be able to give a proponent who has demonstrated an inability to put a major project proposal together a leave pass to land bank and put communities through stress for potentially another two years? And when does it stop? There is nothing in the legislation, no deadline in the legislation. You can have a major project proposal that keeps rolling over.

This is bad law and it points to an act which has given far too much power to the Planning minister, far too little power to parliament, and almost no power to communities.

Mr JAENSCH - Mr Chair, I can confirm for Dr Woodruff and Ms O'Connor that at this stage of the process, there are no permits, rights or reserved unique opportunity being conferred at all.

This is a point at which a project has been referred by either the proponent, the planning authority or the minister into the process to be assessed. In order to be able to do that, a project proposal has to be generated and under proposed section 60E, the minister gives notice to the proponent of the project that they need to put in a proposal so it can be assessed.

The risk of land banking you are talking about does not exist because no permit has been issued and no rights have been secured at this point. This is simply about receiving the required documentation to assess the eligibility to enter the process.

Ms O'Connor - Why would you let a developer have more than two years?

Mr JAENSCH - They do not have more than two years. What happens is, the minister under proposed section 60E(3) writes to the proponent and says, 'I need your proposal to be sent to me. Here is the time frame you have to develop it'. Then in proposed section 60E(4), if they do not submit their proposal by that time, the default is that there is a two-year ban.

This is to stop tyre kickers, to stop nuisance proposals where maybe something is going to happen and it is going to come up in the process. The opportunity of putting the project forward to be assessed for its eligibility to be a major project has been afforded and then it does not come in. If they do not take the opportunity, they are unable to come back into the process for another two years.

Ms O'Connor - Without your approval.

Mr JAENSCH - You will find, though, throughout legislation and because you have been here so long and have so much experience in this, you will know -

Ms O'Connor - Do not patronise me.

Mr JAENSCH - I am quoting you. You will know that there is a standard arrangement in provisions of this type that provide discretion for extenuating or exceptional circumstances.

Ms O'Connor - What would they be then?

Mr JAENSCH - If a proponent has been written to and there has been a date set for the time when they need to have their proposal submitted and they fall ill, or there is a coronavirus lockdown or some other factor which affects their ability to be able to submit their required proposal by a date, there needs to be the ability to exercise a level of discretion on reasonable grounds where there are exceptional circumstances. This has been written with the same intent as similar provisions elsewhere in the Resource Management and Planning System, including in LUPAA.

If an appeal is rejected, there is a two-year ban on reapplication unless the Resource Management and Planning Appeals Tribunal allows an exemption.

Ms O'Connor - That is quite different from a minister giving an exemption.

Mr JAENSCH - No, it is about the authority that provides the requirement to be able to make an exception for an extension.

Ms O'Connor - Why not give that authority to the planning authority?

Mr JAENSCH - Because in this case, it is the minister who is inviting the proposal and it is the minister who has responsibility for declaration of the project to be a major project. That is a design feature of the whole bill.

Ms O'Connor - That is one of the problems with it - staggering drunk on power.

Mr JAENSCH - I recognise you do not like it, but the provision in here for that 'except with the approval of the minister', is entirely consistent with similar provisions in a range of other acts for those exceptional extenuating circumstances. On that basis I believe the amendment as proposed is unnecessary.

Dr WOODRUFF - I do not find your arguments convincing on any level, minister. The example you give is, if you will excuse me, slightly laughable - the idea that you might need to grant a special exemption because a person is ill. First of all, major projects are not just a person, they are companies and businesses that have a lot of money behind them. By your own definitions they involve scale, complexity and substantial impact for multiple municipalities. We are not talking about one person.

Mr Jaensch - I am glad you get that now because you were saying it was just any project.

Dr WOODRUFF - Do not put words in my mouth.

Mr Jaensch - You just said the words.

Dr WOODRUFF - I am talking about the words that came out of your mouth just then. I am not persuaded that this is anything like reasonable. This is an opportunity for you to give

preferential treatment to particular developers over and above the process instead of establishing a planning scheme that has rules and processes -

Mr Shelton - That is just conspiracy theories all over again.

Mr CHAIRMAN - Order, Mr Shelton.

Dr WOODRUFF - that the community can be confident about, that have hard edges that keep ministers away from planning decisions. This is about inserting the minister into a debate. It beggars belief that a business could put in a proposal for a major development and not be able to comply within two years. If they cannot -

Mr Jaensch - The two years is the time that they are not allowed to reapply if they don't meet the requirements. It is not a two-year time frame.

Dr WOODRUFF - Exactly. You have not made any case for why you would insert yourself into the process to be able to allow them to do it all over again in a shorter time frame. All it is is an opportunity for ministerial informants and we do not support it.

The Committee divided -

AYES 3	**NOES 20**
Ms O'Connor	Ms Archer
Ms Ogilvie	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler (Teller)
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Mr Gutwein
	Ms Haddad
	Ms Hickey
	Ms Houston
	Mr Jaensch
	Mr O'Byrne
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Ms Standen
	Mr Tucker
	Ms White

Amendment negatived.

60F. Contents of major project proposal

Dr WOODRUFF - Mr Chairman, I move the following amendment -

That proposed new section 60F(1) be amended by omitting the word 'generally' from paragraph (e) and omitting the word 'general' from paragraph (f).

We referred in a previous amendment to the use of the term 'general' and the minister assured us that the specifics would be dealt with in subsequent proposed sections 60E, 60F and I think he might have said another one. We do not see them being dealt with here in a manner which we think is sufficient. Paragraph (e) requires that a map or description indicating the location of the proposed land on which the project is to be situated and subject to subsection (2) a plan indicating generally areas on that land on which users or developments in relation to the project are proposed to occur.

In relation to the contents of the major project proposal, paragraph (f) says a general description of the physical features of -

(i) the areas of land on which the project is to be situated; and

(ii) the areas of land, in the vicinity of the areas of land on which the project is to be situated, ...

This is insufficient for something as important as a major projects proposal. Why would not the minister not require information that is specific to the proposal? Why would the minister not require information about who would be impacted in the vicinity of the land?

It is not good enough to talk generally in this instance. It is important for all parties that may be affected by a major project proposal to be clear about the specific places and the details of areas in the vicinity that are likely to be affected.

By definition, a major project as the bill proposes is major in scale, complexity and impact. It is not good enough to have the continued use of the term 'general' in relation to the contents of major project proposals in order for decisions to be made. At every stage there has to be respect for everyone who would be affected by a major project. Everyone who would be a party, who may want to make a submission or a comment about a proposal needs to be informed about exactly what is being proposed at the earliest instance. People cannot be left in suspense wondering how it might impact on them, maybe getting incorrect ideas; maybe information is being withheld intentionally or unintentionally. The large nature of major projects developments mean that everybody has to be given the information at the earliest opportunity. We do not think it is sufficient and we do not understand why the minister would not require at that point detailed information.

Mr JAENSCH - For avoidance of doubt we are talking about the information required in a major project proposal which is a proposal that is then assessed against the criteria for eligibility to be assessed as a major project. This is not the information against which the project is assessed. This is the information required to determine if it meets the test to be considered as a major project and to proceed into the assessment process. This is pre-qualifying as the basis for a decision to proceed into the major projects process.

The reason, again, that the term 'generally' is used, and while there are three pages of criteria about the nature and the type of information minimum to be provided, is to provide enough information to make an informed decision about eligibility to be a major project. That

does not require every proponent to go through the full process of design and testing and ground truthing and establishing the full detail of their project, which may take a lot of time and money just to be assessed as to whether they can be a major project and start another formal assessment process.

An example that I will use, because you asked for 'under what circumstances?; if there was a proposal for a windfarm which had what they thought was the prospect of being a good wind resource in an area that they thought worth testing, they would typically test the wind resource. They would then look at the layout of a windfarm, the number of turbines, which parts of the landscape they might occupy. At the outset, what they might identify is an envelope of land within which they might develop a windfarm and put that forward for consideration. Could this be considered as a major project?

Therefore, it is not specific, but it is a general indication of the area of the land and the nature of the development that would be proposed. As a basis for working, would this be, under those circumstances, something that we would assess as a major project.

If it passed that test then it would enter the next stages, whereupon assessment criteria would be developed and a detailed response would be generated to be assessed. This is the stage before that. I note that the subsequent clause 60G identifies that the minister may require further information in regard to a major project proposal, to assess whether it meets the criteria. If that additional information, or a modified proposal, is not able to be provided within a specified period, then that proposal can be taken to be withdrawn by the proponent. That is so we do not have half-baked proposals rattling around in the system for long periods of time, as per that previous discussion with Ms O'Connor, regarding the initial request for a project proposal.

From the basis of that understanding, I suggest that the proposed amendment to replace the words 'generally' and 'general' in clause 60F(1)(e) and 60F(1)(f) are not required.

Dr WOODRUFF - I think you are misrepresenting what these subclauses of clause 60F(1) are relating to. Subclause (e) requires that a proponent provide a map or description indicating the location of the proposed land on which the project is to be situated.

Mr Jaensch - Land. Of the land.

Dr WOODRUFF - No. Of the 'proposed land on which the project is to be situated', and 'a plan indicating generally areas on that land on which uses or developments in relation to the project' would occur.

Subclause (f) asks for a general description of the physical features of the land. You are talking as though we are expecting an assessment of every impact that could occur in the development. That is another stage.

If I were minister, I would not accept a major project development application from a proponent that did not tell me what specific part of the land was going to be developed. I would not accept that it is reasonable to not be specific about what land in the vicinity was going to be affected. We are not talking about describing how the building is going to be constructed, going into detail about turbine building, the precise location on the land. We are talking about

details. About which part of the land is going to be used, and which other parts of land are going to be affected.

Do not forget, you want this major projects bill to bypass local councils. You want it to bypass the opportunity for the community to have a say. You want to take it outside the planning authorities. You want to reduce community's right to appeal. All of these things you are doing, but at the very first hurdle you are not expecting any details, any specifics from the proponent: give us something on the back of an envelope, and we will say 'yes'. We do not think that is a valid response, and neither does the community.

Nothing to say?

Amendment negatived.

60H. Minister may request information from council or State Service Agency

Dr WOODRUFF - Madam Chair, I move -

That proposed new section 60H in clause 12 be amended by -

(a) Deleting subsection (2) and inserting the following new subsection (2) to read:

'(2) Information may only be requested under subsection (1) before the Minister makes a declaration of a major project under section 60O(1).'; and

(b) Deleting subsection (4) and inserting the following new subsection (4) to read:

'(4) Without limiting the generality of subsection (1), the information that may be requested under that subsection includes -

(a) information as to any further approvals, permissions, licences or authorities, however described, that in addition to a project-related permit, may be required to be obtained by the proponent under an Act in order for the project, or activities for the purposes of the project, to be lawfully implemented or conducted;

(b) information as to the accuracy or otherwise of information contained in a major project proposal obtained under section 60E; and

(c) information as to the conformance of the project with determination guidelines.'

Our proposed paragraph (a) removes the requirement for information that has been requested from an agency to be necessary to enable the minister to make a determination. This

provides for more free-reining power for the minister to request further information from a department in relation to a proposal.

To be clear, our first amendment keeps the original part of proposed subsection (2) and removes (b) because it is not appropriate for the minister to be constrained at this point about the information that can be requested from an agency so the minister can make a determination.

Mr JAENSCH - I refer the member to proposed section 60H(1), wherein -

> The Minister, by notice to a council or State Service Agency, may request the council or State Service Agency to provide to the Minister, within the period specified in the notice, the information, specified in the notice, that is in the possession of the council, or State Service Agency, respectively.

I am advised that means the minister's ability to specify in a notice what information is required is not limited. It is limited only to information in possession of those agencies to be got, so the minister can ask for anything specified in the notice and require it. In that regard there is no need to make extra provision later under proposed subsection (4) to ensure there is a listing of the types of information and purposes. It is covered in proposed section 60H(1) and the minister has an unlimited facility to seek information held by those relevant agencies for the purposes of proposed section 60H. In that regard I consider the amendment unnecessary.

Dr WOODRUFF - I am confused, because the argument you presented is nullified by proposed subsection (2), which constrains what the minister can request, and that is our point. Subsection (2)(b) says the information may only be requested under subsection (1) that you just referred to -

> if it is reasonably necessary to enable the Minister to determine whether or not to make a declaration of a major project.

In other words, it is constraining the minister's view about what is necessary for a decision about the proposal. Further, the point of our amendment to subsection (4) is to make sure the minister - and we have specifically said without limiting the generality of subsection (1) information that may be requested can also include information as to the accuracy or otherwise of information contained in a major project proposal and information as to the conformance of the project with determination guidelines.

What could happen, just to be clear, is that a minister might need not only to gather information from a department that the department might make about what the proponent has submitted in their proposal, but the minister ought to also be able to test the accuracy of the claims that a major project proposal has made in their application. The minister should also be able to check that the information from departments can test the project against the determination guidelines. That means that the minister, under our amendment, has no excuses for not getting all the information required for an assessment.

Ms O'Connor - It is just basic due diligence, minister.

Mr JAENSCH - I do not disagree with you. My advice is that the intent of the drafting is that all this information-gathering is pursuant to making a declaration, and the minister may

request state agencies, councillors and otherwise for information that the minister needs to make that declaration. There is no fettering of that and to make a declaration is for it to be reasonable to the minister in order for the minister to make the declaration under this part of the act. It cannot be constrained. You refer to various qualities of information that might be required. That can be required in the notice.

Ms O'Connor - It might be or it might not be.

Dr Woodruff - Why does it have subsection (2)? It doesn't make sense. It ties your hands.

Mr JAENSCH - The interpretation given to me that what the drafting was to reflect is that the minister can ask for any information they reasonably need to make the declaration and it has to be provided. If you are saying that there should also be the ability to get information they unreasonably need, that is redundant. Any information required held by those parties is to be made available. That is the intent. I think that you have a similar intent. You are looking for a belt to go with the braces on this but my advice is that it is already provided for in (2)(b) and in (1) with the matters specified in the notice. On that basis I still maintain that the amendment is unnecessary.

Amendment negatived.

60I. Persons to be notified of proposal for declaration and given major project proposals

Dr WOODRUFF - Madam Chair, I move -

> In proposed new section 60I omit paragraph (g) from subsection (1) and insert the following paragraphs -
>
> '(g) the Commission; and
>
> (h) any other persons or class of persons the Minister considers likely to be directly impacted by the proposal; and
>
> (i) any other persons or class of persons that are prescribed.'.

These additional (h) and (i) paragraphs provide additional powers for the minister to inform people that the minister considers likely to be impacted or to inform people to be prescribed of the declaration of a project. These are standard additions in bills to provide an opportunity for all classes of persons to be included, in this case in a notification process.

Proposed section 60I runs through all the likely parties but not knowing what particular developments could come up in a particular major project it is plausible, in fact likely, that these may not cover all classes that the minister is required to notify. For example, I am thinking anything that is prescribed through regulations in an act that may be relevant and may affect a body. Therefore that body ought to be informed of the proposal for a declaration. An example could be TasWater or TasNetworks. I do not see those necessarily being covered within the parts in that subsection. So, it is good drafting practice in bills to add in these clauses of 'any other persons or class of persons and any others the minister considers likely to be impacted or any other person or class of persons that are prescribed'.

Mr JAENSCH - My advice on this from people who have worked with similar provisions in a range of different planning settings is that beyond the list of classes of people or people of interests listed, you get into the territory of an undefinable and endless list. The process of defining what 'directly affected' might mean over what area or what classes is very hard to quantify and contain and may set up an obligation that is very hard to meet and might be onerous and costly to implement.

However, I note that included in the list are organisations, like councils, directly involved with the land site and others in a region that might be affected who collectively have a role in representing the interests of those communities and the people in them and have an intimate knowledge of them. This is one of the areas where there has been a deliberate reference to councils as distinct from solely referring to them as local planning authorities. Their role and their ability to advocate for and speak to the needs and sensibilities of their communities is broader than just their role as a statutory planning authority.

There is some offset to the matter you have raised that allows a council to be able to speak for or convey information through to people who might be affected without trying to capture it in another definition in the bill itself. On that basis we do not believe the amendment is warranted.

Ms O'CONNOR - The missing part of the list of persons or entities to be notified within seven days after a proposal for a declaration is made is communities. While I take on board what you said a moment ago about local government's capacity to connect with affected communities, it is not fair to put that onto local government when you as minister, if you are the minister when this happens, will be making the declaration. I think that it improves the legislation if you give yourself the capacity to inform other persons or classes of persons the minister considers likely to be directly impacted by the proposal.

You will be dealing with communities like the East Coast Alliance, for example, that has spent years trying to stave off one of the worst development proposals ever to be put forward in Tasmania. This legislation is saying that once the Supreme Court appeal is complete, that should that proponent approach you for the Cambria Green proposal to be declared a major project, there is nothing in this clause in the legislation that would allow you to respectfully get in touch with the people who have been working on the ground and are most intimately connected with the whole proposal.

That is one case study but if you are thinking clearly about this legislation and prepared to take on board amendments that genuinely improve it, as minister you would want to have this capacity because the list at the moment is constrained and the missing piece is communities, which is the story of this piece of legislation from start to finish. Here is more evidence of it. I do not understand why you would not give yourself that capacity to let affected communities and community organisations know.

Mr JAENSCH - The advice stands regarding the open endedness of this. However, the amendment, the insertion of (i) - other persons or class of persons that are prescribed which then refers to a subordinate -

Dr Woodruff - To another act, and to regulations in relation to another act, or to -

Mr JAENSCH - No, to a regulation that might define, from time to time, that we can accommodate. It goes to your TasNetworks example, but it is harder to identify a category that would pick up your community organisation as a class, generically and prescribed.

Ms O'Connor - That is covered by proposed section 60H.

Mr JAENSCH - That is where I would be prepared to support proposed section 60I, but not proposed section 60H.

Ms O'CONNOR - On that, can I ask: do you wonder what the effect would be of giving so little ground on this amendment? I am actually quite gobsmacked that you have even come this far, millimetres though it is, because what that then counts on is that there is a regulation. Are you able to flesh out to the Chamber what a regulation might look like that allowed for community organisations such as the East Coast Alliance or the Planning Matters Alliance or Westbury Residents Against the Prison or S.O.L.V.E. on the north-west coast?

It is actually not good enough just to accept part of the amendment, because that then counts on regulation, which may not have the effect that we want this legislation to have here. I think the nub of it is actually in the amendment to clause (h) -

> any other persons or class of persons the Minister considers likely to be directly impacted by the proposal.

That is the section of the amendment that gives you the greatest flexibility, but also gives you the greatest allowance for you to be able to, as minister, should you be on a brink of declaring a major project, to let affected communities know.

We have to stop shutting communities out of these conversations. It leads to distress and division over land use planning in Tasmania.

We can do better as a parliament, surely, minister. Surely, we can.

Ms DOW - I want to ask a further question about the regulations. We raised this in the briefing we had late last week about the consultation process that will occur around those regulations. You have provided the example of councils being responsible for sharing information about the proposals with their communities. I wonder if you could provide some concrete examples of how that communication might occur with local government, and whether in fact you had consultation with local government about that at this point?

Mr JAENSCH - Local government has been consulted on the bill through its various iterations. Individual local governments as well as their representative bodies have made representation to this, and given us feedback on their comfort and otherwise with clauses throughout.

I do not have an example for you on how that communication role of local government in these cases works. However, it is very much in the intent of the bill, as per my statements in the second reading speech, that we consider it important that councils referred to throughout the bill are recognised to be operating as representatives of their communities, and in their communities' interest, and not solely as planning authorities in this context. In that regard, councils would be taken to be performing that role, as they do now in other contexts.

Beyond that, I will stay with the advice I have been given regarding the draft and the amendments proposed. I would be prepared to support the inclusion of 'the persons who may be prescribed', but not the more broad and open-ended reflection on others likely to be directly impacted, because of its inability to be defined.

Ms O'Connor - But it gives you the discretion to decide that, minister.

Mr JAENSCH - I will go with my advice from the department and the drafters on why –

Ms O'Connor - On why it is too messy to directly involve communities. It is unfair to place that burden on council.

Madam DEPUTY CHAIR - Ms O'Connor, you have already spoken twice on this amendment.

Dr WOODRUFF - The purpose of this amendment was really to tidy up the shopping list the Government provided. Minister, you wanted to avoid adding a shopping list, but the point is that these clauses are standard in bills that come before us all the time. What it does is provide a get-out-of-jail card for the minister in the circumstances that the bill has not been able to fully identify every person, in this instance, who would need to be notified of a proposal for a declaration.

Ms O'Connor and I have already listed the possibility for bodies that are prescribed under regulations, such as TasNetworks and Taswater, very commonly would be called in - but they are not listed in the shopping list you have here, and also the communities affected.

We are not talking about people who get to have a say about the assessment process. We are talking about people to be notified of a proposal for declaration, and given major projects proposals. This is standard stuff. It is all in the power of the minister to decide; proposed section 60H is all about the minister considering. The minister has the ability to make those decisions. What we are trying to do is fix this proposed section for you, and I hope you reconsider your view and add (h) in as well as (i).

Mr JAENSCH - My position stands. By way of explanation for context, this is the process of notification of a proposal for declaration before the declaration is made. If a declaration is made, there is a further notice-giving process, which includes gazettal, newspapers and a far broader public provision of information - which itself precedes the development of the assessment criteria, the project impact statement and the whole assessment process that follows.

The broader community of interest is informed of the project -

Ms O'Connor - After a declaration has been made.

Mr JAENSCH - after it has been declared to be a major project. Prior to that, there is a more defined list of people who are contacted, with a view to seeking their input on whether it is declared.

Again, I am happy to support what is written now as an insertion of proposed section 60I - any other persons or class of persons that are prescribed - but not the inclusion listed in (h).

Ms O'Connor - You may have to amend that. Can we get some advice, because there is an amendment before the Chamber which the minister is proposing be amended? You would need to have, for clarity, (g) as well - the Commission; and any other persons or class of persons that are prescribed. So, you can amend our amendment by removing (h).

Mr JAENSCH - Yes, that is my intention, to amend the amendment to remove '(g) the Commission', and replace it with '(g) the Commission; and', and new paragraph '(h) any other persons or class of persons that are prescribed'.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

60J. Determination guidelines

Ms O'CONNOR - Madam Deputy Chair, I move -

That clause 12 be amended in new section 60J by inserting after subsection (5) the following new subsections -

(6) The Commission, as soon as practicable after issuing determination guidelines, must provide the Clerk of each House of Parliament a copy of the determination guidelines.

(7) A Clerk of a House of Parliament must, as soon as practicable after receiving a copy of determination guidelines under subsection (7), cause the determination guidelines to be tabled in the House.

(8) Determination guidelines cease to be in effect if -

(a) the Commission revokes the determination guidelines under section 60L; or

(b) either House of Parliament passes a resolution disallowing the determination guidelines.

(9) If determination guidelines are disallowed under subsection (8)(b) the Commission must, as soon as practicable -

(a) publish in the *Gazette*, and in a newspaper that is published, and circulates generally, in Tasmania, a notice specifying that the determination guidelines have been disallowed; and

(b) must issue determination guidelines under section 60J(1) in their place.

The purpose of this proposed amendment is to make sure you have that extra level of parliamentary oversight of determination guidelines that will have been prepared for a major project. It reflects sections 16 and 17 in the State Policies and Projects Act 1993. While the minister is likely to say, as he did yesterday, that there is no real relationship between the State Policies and Projects Act and the major projects bill because if a project is declared a project of state significance other statutes and planning provisions are suspended, but this legislation -

Mr Jaensch - No, they are not.

Ms O'CONNOR - Isn't that what you said; that it overrides everything once it becomes a project of state significance? What was it you said yesterday?

Mr Jaensch - Sorry, I thought you were referring to major projects.

Ms O'CONNOR - No, I was referring to what happens with projects of state significance. That argument does not hold because this legislation is very clear when you go to proposed section 60M(4) on page 49 that 'a project that is to be situated on an area of land may be declared to be a major project even though a use or development that is proposed to form part of the project is prohibited under a relevant planning scheme'.

Usually land uses that are prohibited under a planning scheme are prohibited for good reason; there is good environmental or social reasons that a particular land use on an area of land or a tenure of land is prohibited. We are dealing with determination guidelines for a major project that may not be compliant with the land use in the relevant planning scheme. It is a departure we think that requires parliament to have more oversight, and no good government should be fearful of parliamentary oversight.

This is the place where we represent our communities. We come here and do our best every day to make good law. Given that the major projects bill allows for developments that would otherwise be prohibited, the determination guidelines should be a disallowable instrument. Parliament should be given the opportunity to examine those guidelines. That is good planning process and that will help to instill some measure of trust in the process. If communities know that a determination guideline and the declaration of major project will come before the parliament, that will be a comfort to them because it is another layer of examining the decisions made by the minister and the decisions that are made about the guidelines that will wrap around this project. There should be a disallowable instrument.

What is being proposed here is not only to be able to bypass planning schemes and have projects that are prohibited, but through all of this legislation, once it is passed, to completely bypass parliament. Not even a project of state significance does that and there is not that much difference when look at the criteria for declaring a project a project of state significance or declaring it a major project. The POSS list is a little longer and we think a good government should be comfortable with laying on the table with both Houses of parliament the determination guidelines as a disallowable instrument and if parliament wants to examine that disallowable instrument it has the opportunity to do so.

We commend this amendment. We think it is really important that there be a measure of parliamentary oversight over major projects guideline and declarations.

Mr JAENSCH - The member who just resumed her seat made reference and parallels to disallowance under projects of state significance, which I understand for the assessment guidelines for those projects of state significance, the guidelines under which the project itself is assessed subject to disallowance in both Houses of parliament. In this case we are talking about the development of the determination guidelines which are used to assess the eligibility of a project to be considered for assessment under the major projects process.

In this case, this is the expert advice from the highest planning authority in Tasmania, being the Tasmanian Planning Commission. It is to guide the minister's delegated decision-making so the minister should take guidance from the Planning Commission rather than the parliament deciding. There is a principle here of parliament revoking the Tasmanian Planning Commission's expert guidance.

The other matters that you raise in terms of precedent and bypassing parliament and dealing with matters that are prohibited under planning schemes, I understand routinely these matters arise in the context of section 43(a), combined development applications in rezoning proposals.

They are for dealing with matters that are not provided before in planning schemes, and therefore the rezone is required. They bypass parliament because it involves the TPC operating under legislation that has been decided by parliament that gives them the powers to do that.

There is nothing new in any of this. These are existing elements of the planning scheme operating in a similar capacity. Like the balance of the whole major projects process, they are assembled in a way that works for complex projects that are beyond the normal capacities and roles of local government or other existing decision makers in the system to deal with because of their scale of complexity.

There is precedent for every part of this proposed legislation. On this one, we would not support the amendment, primarily on the principle that parliament should not be overruling or revoking TPC's guidelines when it is operating in a capacity that it normally does under existing legislation.

Ms O'CONNOR - I thought that was a pretty weak response, minister. It is disappointing that you are not prepared to have that extra level of parliamentary oversight. I note that the determination guidelines only give you guidance anyway. It just points to a piece of legislation that hands far too much power to the minister, gives no power to the parliament, and no power to communities.

Ms DOW - Madam Chair, we will not be supporting this amendment. The Tasmanian Planning Commission is independent and in setting those guidelines it adheres to that independence.

The whole point of this legislation is it is at arm's length from politics. We are talking here about the eligibility process. We do not think there is a role for parliament in that, because that brings politics back into the process. We look to strengthen the independence of the Development Assessment Panel which actually makes that ultimate decision about whether the permit is issued. We seek to do that through our amendments by increasing the independence of that panel.

Amendment negatived.

60K. Contents of determination guidelines

Dr WOODRUFF - Madam Chair, I move -

> That clause 60K(4) be amended by omitting 'The determination guidelines' and inserting instead 'Unless the contrary intention appears, the determination guidelines'.

What we want to fix up here is that subclause (3) only says that the determination guidelines must provide guidance to the minister. This is a critical matter, because we are now into the content of the determination guidelines. That will determine how all projects will be considered and how specific projects will be assessed.

This amendment ensures that the Commission's determination guidelines are able to limit the matters that the minister may have regard to, but also to ensure that the minister is not only limited to considering matters contained within the guidelines. In other words, this amendment enables the minister to consider additional factors to what has not been included in the determination guidelines but it constrains the minister to conform with what is required by the Tasmanian Planning Commission in its determined guidelines.

What we are seeking to do is to hold the minister to account, to require that the minister must adhere to the determination guidelines but not to limit the minister's ability to have regard to other factors that have not been prescribed by the Commission in the determination guidelines.

Mr JAENSCH - The advice I have is that this is not necessary, but does not present any complications. On that basis, we would be happy to support the amendment as it is proposed.

Dr Woodruff - Fantastic.

Amendment agreed to.

60M. When project is eligible to be declared to be major project

Dr WOODRUFF - Madam Chair, I move -

> That clause 60M(2)(b) be amended by omitting 'of interest to, or for the benefit of,' and inserting instead the words 'likely to have a detrimental impact on, or fulfil a significant public need of,'.

Proposed section 60M covers when projects are eligible to be declared a major project. This is the heart of what projects could be declared a major project. They must have two of three attributes. Subclause (2)(b) at the moment says whether the activities that are proposed to be carried out on the land after the construction phase of the project is completed are of interest to, or for the benefit of, a wider sector of the public than resides in the municipal area or municipal areas in which the project is to be sustained.

Our view is that it does not go far enough to ensuring that the public interest is maintained in major projects and that they must take account of potential detrimental impacts on other sectors of the public than resides specifically in the municipal area.

As you said, major projects planning processes are required because they are much larger than a local council area and have more impact. This amendment seeks to make sure that the attributes of projects of significant scale and complexity must include whether it is likely to have a detrimental impact on, or fulfil a significant public need, for people who live outside the municipal area. For example, it would be hard to maintain that whilst the project may not be of a large scale and complexity, it would be hard to maintain that a cable car, for instance, fulfils a significant public need for the people of Hobart, or indeed Tasmania. In fact, it would be very hard to maintain that the Cambria Green proposal would not be likely to have a detrimental impact on surrounding communities or the interests of the public. It is very hard to maintain that a proposal such as Cambria Green which, as has been described by the proponents so far, would create a closed community near Dolphin Sands. Essentially, that would benefit only the developer because, as we know from what has occurred in other places, what is being proposed as, I recollect, is a Chinese retirement village. That would not be staffed in the majority by local people; it would not provide income to the local community. It would include an airstrip which would have a massive impact on people outside that area and it would affect Moulting Lagoon, which has a very huge detrimental impact. It is clearly hard to demonstrate by any measure that it fulfils a significant public need.

Were those tests to be in there, demonstrating that third eligibility criteria that the project is of significant scale and complexity would be hard to meet.

Mr JAENSCH - On the face of it, the proposed amendment is very similar in its intention to what is there now. In the way you have described it, though, I think that the introduction of something like 'significant public need', which begs the definition of 'need', is getting narrower than the broader matter of benefit. On that basis, it will stay with the language that we have now and not support the amendment.

Dr WOODRUFF - Madam Deputy Chair, that is very disappointing because the point of this is it would be hard to demonstrate - that is exactly right. When the test there at the moment of whether a project has significant scale and complexity has only to demonstrate that it is for the benefit of a wider sector of the public, that can be a whole lot of spin. This is what PR companies spend a lot of money extracting from clients so that they can go into overdrive and come up with all the arguments about the benefits for the public. However, the need for the public to have a development, that is a much higher test and a much more meaningful test that has to be passed. I think you have missed the point, possibly, about the importance of the difference between something being of interest to the wider community and whether it is going to have a detrimental impact on them or not.

Something can be of interest to the wider community, that is the most general and vague term, but whether it has a detrimental impact is quite precise and far more measurable. For example, they are the sorts of things that would get to the heart of the interests of people who are walkers and fly fishers in why they care and have an interest in what happens in Lake Malbena. It is difficult otherwise. You can talk about the scale and complexity; you can talk about the project being of strategic importance to a region - all of which we would reject. Even if it passed those tests, it is hard to imagine that it would have anything other than a detrimental impact on the nature of that beautiful place and the wilderness. That is why there are tens of

thousands of people supporting the appeal process against the decision of the Government to override the council and to come in and back the developers and to try to get it up at whatever cost.

There are so many people who want to have a say because they love that place. They love the solitude, they love the quiet, they love the fact it does not have helicopters flying overhead. It has a detrimental impact on people. Their voices should be heard in the eligibility criteria. They should be able to have a say before a project can be considered to be eligible to be declared as a major project.

Ms O'CONNOR - I have a question on this section. In proposed section 60M(4) -

> A project that is to be situated on an area of land may be declared to be a major project even though a use or development that is proposed to form part of the project is prohibited under a relevant planning scheme.

I guess in some ways that is the whole purpose of major projects legislation; to enable projects that would be otherwise prohibited under a planning scheme for a whole range of reasons and not allowed because it is not good land use planning.

I am interested to explore with you how much free rein there is within this legislation, given that there is a complete capacity not to apply a planning scheme for a particular area. Does this mean the project that is declared could be, of course, a skyscraper, a cable car? Obviously, you plan to declare the transmission line which will go through vast tracts of forest on the north-west coast, the Westbury prison and the Cambria Green proposal.

Can you confirm that this legislation ensures that developments that are not compliant with planning schemes will be assessed and maybe approved even though they would otherwise be prohibited? That would include skyscrapers, mega-retirement villages and a crematorium on the east coast for Cambria Green, a northern prison and a potential cable car up kunanyi? All of these development proposals - and I am not talking about DAs in the hard sense of the word under a planning scheme - but all these proposals have division attached to them. They have community distress attached to them, and this is the nub of it because those communities know that. This legislation will enable developments like the ones that are causing such trauma in their communities. It will enable it.

Mr JAENSCH - I note we have strayed off the amendment and that is the item of business we are on. The Planning Commission routinely receives applications via local planning authorities on behalf of proponents to change zoning, to assess whether to, and ultimately in some cases where it approves, make changes to planning schemes to make permitted things that are otherwise prohibited. This happens. It is an existing power that is routinely used every day right around the state, without headlines and sensation under the Tasmanian Planning Commission's process for assessing these things against a whole range of statutes and state policies, regional land use strategies, the objectives of the LUPA Act laid out in Schedule 1, all these same rules apply here. This is not a new or remarkable power. The decisions are made by the same Tasmanian Planning Commission under the same legislation, under the same codes of practice and using panels -

Ms O'Connor - It is a different process because you get to declare it a major project.

Madam CHAIR - Order, Ms O'Connor. Allow the minister to speak, please.

Mr JAENSCH - The minister has no role in any of these assessments, Ms O'Connor. I know you want to keep working the margins but the powers you are talking about exist now.

Where you have made reference to a range of matters, we have been explicit in the final draft of the bill we are now debating that the special local planning decisions and overlays, the SAPs, et cetera, that will govern things like building heights in the Hobart CBD and a similar arrangement being developed in Launceston, there will be special regard for those at many stages through the process so that specific local planning consideration that has been given above and beyond the generic provisions of the planning scheme must be taken into account. They are not gleefully overridden.

The same planning commission that conducted those assessments and approved those SAPs, et cetera, will be making the assessment on a major project. The TPC cannot bypass itself. The bill ensures that those matters are definitely considered. The transmission line in the north-west you talk about is already entered into the MIDA process. Cambria Green is not a development project that can be considered. We have been as clear as we can about this throughout the process.

As to the specific amendment, we do not support it.

The Committee divided -

AYES 3	**NOES 20**
Ms O'Connor	Ms Archer
Ms Ogilvie	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Mr Gutwein
	Ms Haddad
	Ms Hickey
	Ms Houston
	Mr Jaensch
	Mr O'Byrne
	Mr Rockliff
	Mr Shelton
	Ms Standen
	Mr Street (Teller)
	Mr Tucker
	Ms White

Amendment negatived.

60O. Declaration of major project

Ms O'CONNOR - I move - That proposed new section 60O be amended by -

(a) In subsection (3) omit the words ', if any'; and

(b) insert the following new subsections after subsection (4) -

(5) The Minister must cause a declaration of a major project to be laid before each House of Parliament within the first 10 sitting days of the House after a declaration is made under subsection (1)(a).

(6) A declaration under subsection (1)(a) is of no effect until it has been approved by both Houses of Parliament.

(7) For the purposes of subsection (6), the House of Parliament is to be taken to have approved the declaration of a major project if a copy of it has been laid on the table of that House and -

(a) it is approved by that House; or

(b) at the expiration of 15 sitting days after it was laid on the table of that 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 it is given during that period of 15 sitting days, the notice is, after the expiration of that period, withdrawn or the motion is negatived.

This is a similar amendment to the one I put previously. However, this one is much more important. I did listen carefully to what Ms Dow said about the independence of the Tasmanian planning system, and I most certainly support that and take it on board. That is the basis on which I did not call a division, in relation to having a disallowable instrument cover the guidelines for a major project, but this is a critical amendment.

It is the same provision, in large part, that is in the State Policies and Projects Act 1993, which requires the minister, once a project of state significance is declared, to lay upon the table a notice declaring a project of state significance.

The reason this is so important is because this is the one mechanism we can put into this legislation that allows for scrutiny of the minister's decision to declare a project of state significance, in the same way the minister is able to be scrutinised should a project be declared a project of state significance.

Minister, the issue here is that you make a decision to declare a major project. As it stands right now, all you have to do is publish in the *Gazette* declaring the project to be a project of major state significance or not - and that is it.

The first part of this amendment, I should have said at the outset, is to make sure that there is no capacity here for the legislation to reflect the possibility that there will not be determination guidelines. At the moment 60O subclause (3) says -

> In determining whether to declare a project to be a major project, the Minister is to have regard to the determination guidelines, if any.

That is not good planning. That is not good process. If there are not determination guidelines in place to guide the minister in declaring a major project, what criteria, what guidance, would there be for a minister? You cannot have those two words in that section of the legislation.

I am not going to beg, but I implore you to look very carefully at this amendment. It is no different from the State Policies and Projects Act. It potentially gives you cover, as minister, for a decision made to declare a major project. It will give comfort to communities such as the Westbury community, potentially people at Dolphin Sands, residents who are concerned about skyscrapers in Hobart and Launceston, and those of us who will never let a cable car be built up kunanyi. It gives that layer of scrutiny which is entirely absent from this legislation without it - entirely absent.

It is one thing to say - and I agree - that we should let the Planning Commission prepare the determination guidelines. It is quite another to let a minister declare a project to be a major project, and that all he has to do is to have that noted in the *Gazette*.

Madam Chair, it is very concerning that this provision was not in there in the first place, because the minister should know his way around the State Policies and Projects Act. There is precedent for making sure that if a large, high-impact project is to be declared a major project, or a project of state significance, for example, there is a precedent for parliament to have a role.

And minister, it must be given a role, because it is there that there will be an opportunity to scrutinise the judgments you make about whether to declare a project a major project.

At the moment, the way the process maps out through this legislation, you can declare a major project, then there is an assessment, there is a determination on the basis of that assessment, and the only recourse a community has is judicial review. That is manifestly unfair. It is bad planning process, and it is insulting to communities and this place.

We strongly encourage the minister, given how much power this bill will vest in the Planning minister, to have at least this one stopgap, this one capacity, for parliament to scrutinise a minister's decision to declare a major project.

We believe this is a critical amendment.

Mr JAENSCH - I have addressed this matter in the summing up on the second reading speech, as this was a matter Ms O'Connor raised in that context.

The declaration of a project to be a major project simply admits it to a process of being assessed under all the relevant acts and regulations by their regulators under their acts. There is no additional, or new, or novel, assessment done.

Ms O'Connor - But there is a determination by you, which is not able to be scrutinised.

Mr JAENSCH - The pathway for a project to become declared, to then proceed through the process of being assessed that way, includes, as is written in the bill, a consideration of its eligibility in terms of the objectives of LUPAA, relevant state policies, Tasmanian planning policies. It needs to be not inconsistent with the relevant regional land use strategy -

Ms O'Connor - How is that different from a POSS?

Mr JAENSCH - A POSS only has to have regard for state policies. Nothing else. None of these other requirements applies.

In addition, as we have added in the most recent draft, those special local planning controls, those overlays that are created for specific areas, like SAPS, must also be regarded.

The project also has to meet the criteria laid out in the bill - taking on board the advice from the TPC in the form of the determination guidelines, and after seeking and considering the advice of the Planning Commission, state agencies, local councils, other councils in the region, the landowners involved, the neighbouring landowners, and their tenants.

Then the minister needs to make that declaration, that decision, and account for it in terms of all of those things.

Ms O'Connor - Account for it to whom?

Mr JAENSCH - To everybody.

Ms O'Connor - How? By lodging the declaration in the *Gazette*?

Madam CHAIR - Order, Ms O'Connor, you will have another opportunity to make a contribution soon.

Mr JAENSCH - The proposition here is that that is bad planning and instead all these matters should be laid on the table in both Houses of parliament and either not debated at all or debated by the representatives of political parties in the course of the day's debates and ended up back with a political decision, not one that is based on all of those other things, all of those requirements, all of that advice and all of those guidelines. This is for the purpose of allowing something to present itself to be tested under all the relevant legislation. It is sound planning practice because it involves all of the relevant tests and then some and the minister is accountable for having passed these tests of eligibility.

Ms O'Connor - How are you accountable?

Mr JAENSCH - There are two ways. One is by publishing the decision and the reasons for it and then, in the subsequent stages of the no reasonable prospect test, the development of the assessment criteria and the application of the assessment criteria by all the relevant

regulators, these same matters are tested again. There is a double-triple blind test of a project eligibility by the minister first, based on advice from a range of expert bodies like the Tasmanian Planning Commission, then again by the panel in its no reasonable prospect test, then again in the development of the assessment criteria by the panel on the advice from all the relevant regulators, and then again in the assessing of the proponent's proposal against those criteria. It is tedious repetition but there is a test applied at four stages as to whether this is a suitable project to be assessed under this act.

What we are seeking through this debate and bringing this bill through the parliament is parliament's consent for that process to be approved so that projects and decisions can proceed through it. On that basis I do not support the introduction of a disallowable motion as proposed in the amendment for the reasons that it is not required to ensure the propriety and scrutiny of the decision to declare a project and also because it introduces two things that the rest of the process seeks drive out of the whole process of declaration and assessment, a time delay which can be significant, because 15 sitting days of two Houses of parliament commencing at the wrong time of the year can cost months.

Second, it reintroduces a political decision at the beginning of the process, which is what we have to sort to drive out because a political decision cannot be anticipated by reading what the rules are and what you have to do to meet them. There is an uncertainty and a range of other considerations brought to bear outside of the planning requirements which create uncertainty for these projects. That is why we have built this process the way we have and why we have built so many safeguards and checks into it. We will not be supporting the amendment.

Ms O'CONNOR - I note, minister, that the only uncertainty you appear to be concerned about is the uncertainty faced by developers over potential major project declarations. The point I made earlier about the uncertainty that communities live with when these obnoxious developments are landed in their lap I will simply restate. That uncertainty does not seem to have crossed your mind.

Mr Jaensch - That is why we have planning rules. That is why we have all these things it is being assessed against. That is what they are for.

Ms O'CONNOR - I will tell you what we have; we have parliaments to hold ministers accountable. You said, 'I will have to account for it, my decision', and then you rattled off registering at the *Gazette* and talking to relevant regulators. There is nothing that requires you to even table that you have declared a major project, even to let the House know other than that it is in the *Gazette*. We deal with compulsory acquisition of land in here all the time. There is something laid on the table that says you are going to build another road.

It is offensive to a representative parliamentary democracy that you can see this as an impediment to developments and the only concern you have is the uncertainty it places on developers. It is a political decision when a minister in a government makes a decision to declare a project a major project because there is considerable discretion to you through the guidelines process in making that declaration. The parliament should be able to examine the decisions you make.

Mr Jaensch - I have been through the criteria. There is not unlimited opportunities by any stretch.

Ms O'CONNOR - Yes, but the guidelines only guide you. That is the bottom line. You are guided by some guidelines and then you make a declaration. The only way the people of Tasmania will know you have made a declaration as a major project is if they happen to see it in the *Gazette* or someone passes that information on to them.

It is so offensive and insulting to communities that you have not even thought there might need to be some coming back to parliament when we are declaring a major project. It clearly did not even cross your mind and that speaks volumes.

I have a form of post-traumatic stress disorder from the Ralphs Bay experience so I empathise with these communities because it is your whole life. There is work that you cannot do, there is money you cannot earn, there are children you vaguely neglect because you have to give everything you have to protecting your place. It is so insulting to good people all over Tasmania, who you represent in your seat of Braddon, not to at least have some accountability mechanism in the legislation, not to even have to table and let parliament know you have declared a major project. Minister, that stinks. It is offensive.

We live in a parliamentary democracy. You are an elected representative and you are elected into this place by people in your seat of Braddon. You need to be answerable to the people who elected you and put you in this place, and to the people of Tasmania. It is utterly shameful that there is no recourse and no parliamentary oversight of your decision to declare a major project. Nothing. You do not even have to table the declaration. It is scandalous and offensive.

After listening to Ms Dow I hope Labor has a good look at this amendment, or will Labor decide that it is okay to give all power to the Planning minister to declare a major project and all he has to do is slip a notice in the *Gazette*? You too represent your communities and you should support an amendment that at least gives parliament some oversight of a decision to declare a major project that potentially will have a huge impact on the lives of the communities that you represent, who elected you and put you in here. It is appalling.

The minister can declare a major project, stick a notice in the *Gazette* and swan off and answer to no-one. It is disgraceful.

Ms DOW - I have a question for the minister around proposed section 60O(3) and the words 'if any'. My understanding from the bill in proposed section 60J(1) is that 'The Commission must issue guidelines …'. Why would you put 'if any' in there, particularly when proposed section 60K(5) of the determination guidelines is around giving regard to local planning provisions, which is absolutely essential and something you have determined to make clear in the bill's third iteration. I wonder why you would then include 'if any'?

Mr Jaensch - Give me the reference, please.

Ms DOW - It is at the end of proposed section 60O(3).

Mr JAENSCH - In specific reference to Ms Dow's question, there is the requirement for the commission to prepare the determination guidelines. From the commencement of the act, the commission has six months within which to prepare the determination guidelines. These are generic guidelines that will be used to inform the application or the test against the criteria

in the bill. This acknowledges that there may be a time between the commencement of the act and the creation of the guidelines.

During that time, under section 60I, the minister must still be seeking advice from the Tasmanian Planning Commission on whether a proposal is eligible to be considered as a major project. In this case, my understanding is that the advice from the Planning Commission will be specific regarding that proposal, even in the absence of a generic determination guideline. This is the subject of another amendment that has been foreshadowed.

The reason for the 'if any' is because it acknowledges that there may be a period in which a proposal may be provided or referred for consideration but in which time the determination guidelines may not yet exist because the Planning Commission needs time to develop them as generic guidelines. However, there are other provisions that ensure the Planning Commission is still providing specific advice regarding the eligibility of that proposal.

Ms DOW - I will speak now to the amendment. We will not be supporting the Greens' amendment this evening. This process already exists through the Projects of Regional Significance Process, which we introduced in this place in 2009, and right now the minister could have made a declaration of a Project of Regional Significance be assessed by an independent panel. That could have happened through that time period so this is not unprecedented.

Ms O'Connor - We did not support that legislation.

Ms DOW - That does not surprise me.

The point I want to make is the point in time where there is an impact on a community is when there is an assessment made and a permit is issued. The independence of the Development Assessment Panel which makes that decision is absolutely critical. That is why we have also introduced our amendments around the strength and independence of that assessment panel, which then determines that permit and whether that project actually gets up within a community.

The other aspect I wanted to talk about was the increased community participation, which is also around one of our other amendments, the right of appeals process. This has been raised as a significant concern to the community, and so we seek to address that issue and the right of appeal both for proponents and those in the community who wish to appeal the decision of the independent panel at that time. We do not want to see politics interfere with planning decisions in Tasmania. That is why we have supported the intent of this bill right throughout the process. For this then to come back to the parliament to have political oversight, we do not support that.

Ms O'Connor - It is a political decision that the minister makes.

The Committee divided -

AYES 3	**NOES 20**
Ms O'Connor	Ms Archer
Ms Ogilvie	Mr Barnett
Dr Woodruff (Teller)	Dr Broad

Ms Butler
Ms Courtney
Ms Dow
Mr Ellis (Teller)
Mr Ferguson
Mr Gutwein
Ms Haddad
Ms Hickey
Ms Houston
Mr Jaensch
Mr O'Byrne
Mr Rockliff
Mr Shelton
Ms Standen
Mr Street
Mr Tucker
Ms White

Amendment negatived.

60P. Circumstances in which declaration of major project may be made

Dr WOODRUFF - Proposed new section 60P on page 52 relates to circumstances in which the declaration of a major project can be made. I move that proposed section 60P be amended by inserting the following new paragraph after paragraph (a) of subsection (1) -

> 'determination guidelines are in force, and the Minister is satisfied that the project is consistent with those guidelines; and'.

The numbering will be determined by the drafters.

Subsection (1) of 60P says that the minister can only declare a project to be a major project if the minister considers the project to be eligible and has considered the advice, if any, provided in relation to the project. This addition we propose ensures that major projects can also only be declared if determination guidelines are in force and the project is consistent with those guidelines.

This goes to the necessity for the Planning Commission to have provided determination guidelines. They must be in force and the project that the minister would declare a major project must be consistent with those guidelines for clarity, so there is no possibility that the determination guidelines from the commission, which forms such an important part of directing what a major project can do and not do, must be consistent with the project the minister has declared.

Mr JAENSCH - As noted in my contribution on the last amendment, the bill provides that the Planning Commission prepares determination guidelines which guide the minister in applying the eligibility criteria laid out in the bill. The Tasmanian Planning Commission has six months from the commencement of the act in which to prepare those guidelines. They are to be generic guidelines that can be applied to all projects seeking admission to the process.

In the initial period during which the act has commenced but the guidelines are not yet in place because the commission has not yet provided them, the minister is still bound under proposed section 60I to directly seek and consider the advice of the Tasmanian Planning Commission in relation to the eligibility of a specific proposal to be a major project. In that intervening period, whilst there will not be generic determination guidelines to guide the application of the eligibility criteria, there will be specific advice from the same source and others that the minister will use to guide his or her decision as to the eligibility of a project.

On that basis we will not support the proposed amendment to insert that effectively a declaration can only be made based on the determination guidelines being in force. I believe I can provide assurance that advice specific to the eligibility of that specific project will be provided from the same source as would be providing that generic advice in the determination guidelines, so we do not support the amendment.

Dr WOODRUFF - That is very concerning and gives voice to the concerns that people in the community have raised about this issue. What is the point in going through the effort or possibly the charade of having the Planning Commission develop general project determination guidelines if there is a period of at least six months after this bill comes into force where they will not be accounted for?

Mr Jaensch - No, at most.

Dr WOODRUFF - The commission is not likely to get started on it the second the upper House pass this, if indeed that is what happens.

Mr Jaensch - You said 'at least'.

Dr WOODRUFF - I know, but by the time the commission gets established to do the work it could take them six months but it could well be longer than six months. It could well be nine months. Who knows how long it will take for the commission to undertake the process?

Mr Jaensch - No, they only have six months.

Dr WOODRUFF - From the time the bill is proclaimed?

Mr JAENSCH - Yes.

Dr WOODRUFF - That still gives six months. We have referred repeatedly throughout debate on this bill to a number of projects which the community is deeply concerned are ready and waiting in the blocks to go ahead and be declared major projects. Because you have said that you will not wait until the determination guidelines are in force, that means all that work and oversight of the commission is for naught for the projects that might be waiting to be declared in the next six months.

A Cambria Green could be declared in the next six months without you having to have any reference to the determination guidelines of the commission. A cable car could be determined. A skyscraper could be determined. Westbury prison could be put into this category. There are so many other things, including Rosny Hill, which could fall over in the appeals tribunal and come into the category.

This means that all the good work of the commission to provide some guidance and constraint, some sense of proper planning processes, will not be included in the decision the minister makes about whether to declare a major project. It is a fundamental problem in the bill and, as many in the community have suspected, it gives a space for the Government to do whatever it wants in declaring major projects.

Mr JAENSCH - I reiterate that under proposed section 60I(1), which we amended a little while ago to add new paragraphs (h) and (g), it identifies that the minister must notify and take advice from the Tasmanian Planning Commission. In this case the advice is around whether this should be declared a major project. Therefore, the Tasmanian Planning Commission is providing specific advice to the minister on the suitability of a proposal to be declared a major project, which means we are not going without the high-level expert planning advice of the TPC. You are getting it as specific advice on a project, which is a safeguard. You are not relying on generic advice regarding applications of the criteria.

I believe the concern you raised is not well founded and the amendment is not supported.

Amendment negatived.

6**0Q. Contents of declaration of major project**

Dr WOODRUFF - Madam Chair, I move -

That clause 60Q be amended by omitting subclauses (3), (5), (6) and (7).

Proposed section 60Q(3) allows the minister to require persons with certain skills to be on the panel. This is a fundamental interference from the minister in the make-up of the panel, which goes to the heart of why those more than 1500 people who made submissions are so concerned about this bill. They are concerned about the role of the minister in stacking the panel and putting in people who are particularly favourable to that development rather than having an impartial, independent scrutiny of the project on its planning merits.

Proposed section 60Q(3) says -

> The Minister, in a declaration of a major project, may include a statement -
>
> (a) specifying the particular qualifications or experience that the Minister considers ought to be possessed by at least one member of the Panel in relation to the major project; and
>
> (b) requiring the Commission to, under section 60W(4), appoint to be a member of the Panel at least one person who possesses such qualifications or experience.

You tell me, minister, how that is not ministerial influence on the make-up of the panel? You tell me how it is that you continue to claim, falsely, that the commission will be left to its own devices to make its expert decision far from the reach of government?

This is an opportunity to stack the panel. It stinks. The commission should be left to make its own determination about who the people with appropriate expertise are on the panel.

The other proposed subsections to be removed - (5), (6) and (7) - appear to allow the minister to make an adjacent council the planning authority for the purposes of the declaration. I would be interested to hear what Ms Dow has to say about this. It would, for example, see a council such as Glenorchy become the planning authority rather than a council such as Hobart City Council for something like the cable car. Please disavow us if that is not the case.

Mr Jaensch - Be disavowed. It is not the case.

Dr WOODRUFF - I do not see where you can point to that. It does not do that. The fundamental issue we have with proposed subsection (3) is that it gives the minister the opportunity to have a say about who should be on the panel. That is just wrong. There is nothing independent about that. It is open to the potential for corruption, or at least corrupted influence. We certainly would not want to have that on a major project proposal consideration, would we?

Mr JAENSCH - Mr Deputy Chairman, two important matters: first, under proposed section 60Q(3)(a) and (b), the minister can identify or specify a set of skills that should be represented on the panel, not the person. The most important thing is that the expert panel that is reviewing is a skills-based panel.

Dr Woodruff - Not if those skills are being picked by the minister with every potential for having -

Mr DEPUTY CHAIR - Order, please, Dr Woodruff.

Mr JAENSCH - I hear there is concern somehow a minister will find a way of picking a friend of theirs who will do their bidding, who happens to be the only person with a set of skills. Therefore they are bound to end up on there and therefore the minister has stacked the committee. That is not the case. The bill provides for the minister to specify a skill set and that this skill set will be represented on the committee, not a nomination of who should be appointed. It could well be that that skill set requirement can be satisfied by someone who is already likely to be on there by virtue of being an existing member or delegate of the commission.

The importance of this is that the minister can ensure and assure anyone asking that the panel includes people with skills relevant to the proposal, not just generically land use planning or related matters.

The next issue raised is in regard to proposed subsections (5), (6) and (7) of proposed subsection 60Q. The disallowing I referred to, Dr Woodruff, is found in the middle line of proposed subsection (5). Subsections (5), (6) and (7) refer to where there may be an area of land, all or part of which is not within any municipal area so that there is not a statutory local authority under which jurisdiction it falls. The problem with this is that if you end up with planning decisions and planning rules made about that piece of land, there needs to be a planning authority to police them.

Dr Woodruff - Can you give me an example?

Mr JAENSCH - Yes. As Mr Ferguson knows, in the footprint of the development of the propose Bridgewater bridge there is a piece of land under the water in the middle of the river that is not in any municipality but is part of the area. The planning decisions made about that development need to be attached to a planning authority and therefore the prevision. That is an example.

Dr Woodruff - I thought the Tasmanian Planning Commission fixed that by making a division line through all waterbodies between municipalities in Tasmania. I see Mr Risby shaking his head.

Mr JAENSCH - I do not know. This is an artefact of the system because it is an orphaned little piece of land. If someone knew about it, they would plant a flag on it and declare it to be a principality of some kind. It happens in Western Australia all the time. It needs to be someone's responsibility so planning decisions and laws can be applied to it. On that basis, this is in here so it can be, for the purposes of this bill, adhered to a neighbouring municipality in the same regional area, adjacent to that piece of land. It is the most obvious local planning authority to take responsibility for planning purposes for that parcel of land. That is what (5), (6) and (7) address. They are quite essential because you occasionally get these orphaned pieces of land which do not have a planning authority to sheet things back to. That is the explanation. That is why those clauses are there.

We consider subsection (3) is important to ensure that in our independent expert panel, we are able to be assured that there are skills relevant to the particular project and we reserve the power to specify what those skills might be.

Accommodated within the membership of that group, not necessarily a person uniquely appointed for those skills and certainly not directing who that person might be. That is how the separation is maintained and the independence of the panel is assured. On that basis, we will not support the amendment.

Dr WOODRUFF - I take it from you that you are making clear for us that subsections (5), (6) and (7) or particularly (5) would not enable the minister to make an adjacent council of the planning authority for the purposes of a declaration. That is not possible? It seems theoretically possible within this for that to happen. So, are you putting it just on the record that that is not the intention of parts (5), (6) and (7)?

Since this is my only second speaking opportunity, we totally reject your reasons for why you have given the minister the ability to distort the independence of the Tasmanian Planning Commission in the instance of the choice of people who will sit on the panel. This is the independent planning authority in the state. You do not need to tell them who to choose to sit on a panel to make a decision and to make an assessment of a major project. It should not be up to you. These are intelligent, expert planners. Every day they conduct hearings about extremely complex matters of planning. Every day, for years, they have been responsible going through all the state interim planning schemes looking at all these issues.

It is demeaning their intelligence, ability, expertise and role to say that you, as minister, would need to tell them what skill set they should include on the panel. There is already ample opportunity within this bill for the commission to choose the experts they see fit. It is not appropriate for the minister to possibly so constrain the choice, to include a person who has a

very limited expertise that might suit a particular project. It is entirely up to the panel and the commission in the decision of the panel to make that determination.

Mr JAENSCH - It brings me joy to hear how confident you are in the capabilities and the independence and the expertise of the independent Tasmanian Planning Commission, given a moment ago you were insisting that parliament had the rights to overturn their decisions.

Dr Woodruff - Parliament gets to have a say on all the things that matter in this state.

Mr JAENSCH - In relation to the matter in items (5), (6) and (7) and you are asking for my reassurance, the reassurance you are seeking is that (5) speaks specifically about an area of land all or part of which may not be within any municipal area and the assigning of an adjacent municipal area to be the municipality for the purpose of this. Subsections (6) and (7) directly reference (5).

Dr Woodruff - Sure. If that is the case, I am happy for you to amend this amendment to remove (5), (6) and (7) and we will stay with omitting subsection (3).

Mr JAENSCH - No, I think it is easier just to not agree to the whole lot. Thanks.

The Committee divided -

AYES 3	**NOES 20**
Ms O'Connor	Ms Archer
Ms Ogilvie	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Mr Gutwein
	Ms Haddad
	Ms Hickey
	Ms Houston
	Mr Jaensch
	Mr O'Byrne
	Mrs Petrusma (Teller)
	Mr Rockliff
	Mr Shelton
	Ms Standen
	Mr Tucker
	Ms White

Amendment negatived.

60R. Notice to be given of declaration of major project

Dr WOODRUFF - I move that proposed new section 60R subsection (1) be amended by omitting paragraph (i) and inserting the following new paragraphs -

> (i) if the land on which the project is or was to be situated is situated in Wellington Park - the Wellington Park Management Trust; and
>
> (j) any other persons or class of persons the Minister considers likely to be directly impacted by the proposal; and
>
> (k) any other persons or class of persons that are prescribed.

We have been here before, but it is important in the case of the notification of the declaration of a major project that the minister should again keep the people or classes of people who ought to be informed notified within seven days after the declaration of a major project is made. This amendment adds paragraphs (j) and (k), which are a standard addition to bills, so the minister can make decisions on the basis of the particularities of a project and expand the list of persons who must be notified as is required by that particular proposal. It also includes any other person or class of persons that are prescribed and, as I discussed in a previous amendment, that would include any other bodies within regulations that need to be informed.

Mr JAENSCH - I move an amendment to the amendment consistent with the previous amendment we amended so that the effect of the proposed amendment would be -

> Section 60R in clause 12 is amended by omitting paragraph (i) from subsection (1) and inserting the following paragraphs -
>
> (i) if the land on which the project is or was to be situated is situated in Wellington Park - the Wellington Park Management Trust; and
>
> (j) any other persons or class of persons that are prescribed.

I have written that as previous and I propose that as an amendment to the amendment.

Dr WOODRUFF - Thank you, minister. We are happy to accept that. It does not go far enough but it strikes a fair balance.

Amendment to amendment agreed to.

Amendment, as amended, agreed to.

60T. Effect on project-associated Acts, and relevant regulators, of declaration of major project

Dr WOODRUFF - Proposed section 60T relates to the effect on project-associated acts and relevant regulators of the declaration of a major project. I move -

> That proposed section 60T be amended by omitting subsection (1) and inserting instead the following subsection -

(1) If a declaration of a major project is made on a day an application under a project associated Act for a project related permit in relation to land to which the project relates, that has been made by or on behalf of the proponent but that has not been determined under that Act is taken to have been withdrawn under that Act on that day.

The first thing I want to say about this amendment is that this goes a little bit to what the Tasmanian Planning Commission referred to in terms of the overly cumbersome language in this bill. I have not read many parts which are quite as difficult to comprehend as that. The purpose of our amendment is to retain the existing paragraph (a) in subsection (1) and to remove the existing paragraph (b). The reason for that is that paragraph (b) requires that a proponent be refunded half their fees if a project is declared to be a major project. In this instance we do not believe that is fair and equitable. We do not believe it is fair on councils or regulators who have acted as planning authorities in good faith and have taken an application for a development and gone some, or a large way - possibly the whole way - towards assessing it before it comes to a decision.

We do not believe it is fair on those bodies to have incurred the cost in good faith, and the proponent essentially gets to pick winners but to the financial detriment of councils or regulators that would have done some part of an assessment process before it was removed from the normal LUPAA planning processes and put into this LUPAA major projects planning process. It does not seem fair for the proponent to be able to pick and choose and get half of their money back when those bodies would have acted in good faith in the work they have already done.

Mr JAENSCH - The good news here is that these paragraphs refer to project-associated pacts and project-related permits, not including the councils. These are about other regulators that the proposal may have been in assessment by, whose assessment process is frozen by project being proposed as a major project and declared, and then there being a part refund of any fees paid under those processes because they are going to go out and ultimately end up being assessed by those same regulators under those same processes again and be paying their fee there.

It is a way of closing off any assessment process that the project was under with relevant regulators, excluding the councils, to that point, recovering half the fee they have paid on the basis that they will end up with their proposal being assessed by that regulator at a later point and a fee will apply at that point. So you do not pay the full fee twice and you pay for only the bits you have used, because in between times that project may be found to have no reasonable prospect of proceeding. Its major project status may be revoked. It may otherwise not proceed, and then it has only paid for the bits of the process it has used and the regulator has only been paid for that part of the work they have done. The council process is not included in this, and that is defined by this being for applications under a project-associated act or a project-related permit.

On that basis I think the amendment is not required, because the problem you have identified with the council and someone being out of pocket for work is not there. It is not a problem to fix.

Dr WOODRUFF - Thank you, minister, for clarifying that. With your assurance that it does not apply to councils - and that makes sense from what you have said - can you be clear, then, that the argument is that because a proponent would have made a submission through the normal planning process to a regulator, if the proponent then decides to take that project and put it into the major projects process, those regulators will still be engaged in assessment activity for the same work?

It might have changed in scale somewhat, or it might not, but essentially they have started the work, and then they would come back to doing that work once the assessment criteria had been established by the Tasmanian Planning Commission panel.

So, you are saying it is not wasted work, and that they have been paid for the full cost to the regulator for doing the assessment process. The proponent will still have to pay the full planning application costs next time under a major projects process. That sounds entirely reasonable. We are happy to withdraw this amendment on that basis.

Amendment, by leave, withdrawn.

60U. Revocation of declaration

Dr WOODRUFF - Mr Deputy Speaker, I move in proposed new section 60U in subsection (3) to omit paragraph (e) and insert the following paragraphs -

> (e) subject to subsection (4), if the Panel has given the Minister a no reasonable prospect notice under section 60ZI(1) in relation to the project; or
>
> (f) if the Minister is satisfied that the declaration of the project to be a major project was made in contravention of this, or any other, Act; or
>
> (g) if the Minister is aware of compelling new information that, had the Minister been aware of it prior to issuing a declaration of the project to be a major project, the Minister would not have declared the project to be a major project.

Mr Deputy Chair, paragraph (e) remains the same, and we have added in paragraphs (f) and (g) as extra criteria, which can be used for the revocation of a major project declaration. It broadens out the reasons by which a minister could revoke a project, and it includes whether new information comes to light that is compelling - not just any new information but compelling new information - and it requires that the major project cannot be made if it is in contravention of this or any other act.

Paragraph (g) also says that the minister must not have been aware of the compelling new information prior to issuing a declaration of the project to be a major project. The purpose of this is that it may take some period of time for a major project to go through an approval process, an assessment process, and during that time new information could come to light - in fact through the assessment process itself. We think it is appropriate that the minister has the opportunity to revoke the major project application on the basis of new and compelling information.

We are also clarifying that the declaration of the project must also be consistent with, and not in contravention of, any other act.

Mr JAENSCH - I understand what you are putting here. I apologise that I had my back to you for a little while. I was just getting some advice.

We are satisfied that the matters that you raise are adequately dealt with through the sections relating to the 'no reasonable prospect' test. The information which is to be provided to the minister from the various regulators who know their acts, and their areas of the assessment and the regulations most intimately - the role of that process is to flush out matters that may affect the suitability of the project to progress.

While I think the suggestions that are made here may aim to provide assurance of that, my advice has been that proposed section 60ZI is adequate to ensure that the relevant information is available to the minister from the relevant regulators for those decisions and so we do not support the amendment.

Amendment negatived.

60V. Establishment of Development Assessment Panel

Dr WOODRUFF - Mr Deputy Chair, I move that after proposed new section 60V insert the following new section -

( ). Independence of the Panel

(1) A Development Assessment Panel established under section 60V is not subject to the direction or control of the Minister in respect of the performance or exercise of its functions or powers.

(2) A person must not obstruct, or hinder, a Development Assessment Panel from performing a function, or exercising a power, under this Division.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

This really puts the rubber on the road in terms of assurances from the minister that there will be complete independence, and there will be no possibility for direction or control by the minister in respect of the performance and the exercise of the functions of the development assessment panel. The minister has stated a number of times that the development assessment panel will not be influenced by the minister, and will not be directed by the minister. This is a very important amendment that is needed to give confidence to the statements that the minister has made because it is hard to see on the basis of some of the other sections in (12), that could not happen.

It would be reassuring to have this statement of the independence of the panel. It is also important to have a penalty for such an important decision-making body if there has been any obstruction or hindering of its independence and functions under the responsibilities that they have been given in this division.

Mr JAENSCH - My advice is that the intent of this amendment is already taken care of under section 7(2) of the Tasmanian Planning Commission Act, that a minister may not give a direction to the commission in relation to the outcome of the exercise of a power or the performance of a function specified in Schedule 3A.

Schedule 3A, Provisions in respect of which delegation and directions are restricted, covers a range of assessment processes including under parts 2, 3, 3A, 3B and 4 of the Land Use Planning and Approvals Act 1993. Further, the advice I have been given is that control is best left provided in the act, covering the TPC rather than in this one, referring back to it. The Tasmanian Planning Commission Act, section 7, provides for that protection from ministerial direction in relation to the exercise of a power or the performance of a function under LUPAA.

On that basis, we believe the amendment is not required.

Dr WOODRUFF - We are aware of the Tasmanian Planning Commission Act and its requirements about the independence of the Planning Commission and the fact that it should not be directed and should remain independent of ministerial direction. However, the reason we proposed this amendment is because we had an outstanding question and, if I could get some concrete validation, I would consider withdrawing it.

That the Development Assessment Panel would sit firmly and squarely under that Tasmanian Planning Commission Act, and it would be all about independence which is enshrined in the Tasmanian Planning Commission Act. This would apply to the Development Assessment Panel? It would not be seen to occupy some other space outside of that act and the cover that act provides?

Mr JAENSCH - Mr Chair, proposed section 60X section (6) of the bill says that -

> Part 3 of the *Tasmanian Planning Commission Act 1997* applies to, and in relation to, a Panel as if a reference in that Part to the Commission were a reference to the Panel.

Dr Woodruff - Okay. I am happy to withdraw this amendment.

Amendment, by leave, withdrawn.

60W. Appointment of members of Panel

Ms DOW - I move the following amendment - That proposed section 60W, subsection (1) be amended by omitting paragraphs (a) and (b) and inserting instead -

(a) Two members of the Commission; and

One to be the chairperson of the panel, and -

(b) One person who is not a member of the Commission and who, in the opinion of the Commission, has qualifications and experience that are relevant to the assessment of the major project.

I move this amendment from the point of view that we believe that, first, the chair of the panel should be a member of the TPC and two dedicated members of the TPC need to be on the Development Assessment Panel. That will assist with more independence for that panel, acknowledging that is also balanced by the other member being appointed by the TPC with the relevant skills deemed to be required for the assessment of that project.

A lot of the concern in the community is about the independence of the process used to assess major projects. We believe the role of the Development Assessment Panel is absolutely critical and that including two members, with one of those being the chair from the independent TPC, will make for a more robust assessment process.

Mr JAENSCH - I have advice on a couple of levels with this one.

First, there is an apparent error with your drafting. In the first part of the amendment, new subsection 1(a), you suggest adding two members of the commission. Amendment 1(a) is solely about there being one chair so, as it reads directly -

Ms Dow - My amendment is to have one chair, yes.

Mr JAENSCH - You may need to redraft that.

There are only six commissioners able to sit on panels. Of the eight commissioners, only six are able to sit on panels by virtue of the other roles they might hold. Six of the eight are all that are available to be assigned to sit on panels. Should there be, for example, two more or more major projects under assessment at any one time you might start running out of commissioners and let alone the other roles that they may have in other parts of the duties of the Planning Commission. So the suggestion of two commissioners may create a resourcing matter for the commission in how it populates these panels and other panels that are part of the work it does.

The panels appointed for statutory assessments undertaken by the commission may or may not include commissioners and can be undertaken by delegates of the commission who are appointed to a panel based on their relevant experience and expertise, just as occurs in a major projects bill. The structure at the moment ensures that there is a member of the commission, a commissioner, who is also the chairman of the panel.

Ms Dow - That is not compulsory. The do not have to be.

Mr JAENSCH - No, I am reading the bill as it is. The provision is for a member of the commission, or any other person nominated by the commission is your point, who is to be the chairperson of the panel and two who are not members of the commission, but in the opinion of the commission have the qualifications and the experience.

What is the re-worded first part of your amendment?

Ms DOW - It is -

(1)(a) a member of the Commission who is to be the chairperson of the panel;

(b) a member of the Commission; and

(c) a person who is not a member of the Commission and who, in the opinion of the Commission, has qualifications and experience that are relevant to the assessment of the major project.

Mr DEPUTY CHAIR - Ms Dow, you need to submit that in writing.

Dr WOODRUFF - To assist Labor, we prepared an amendment to their amendment on this issue, but if you are going to draft your own, we will leave it to you.

Amendment, by leave, withdrawn.

Ms DOW - Mr Deputy Chair, I move -

That clause 60W subsection (1) be amended by omitting paragraphs (a) and (b) and inserting the following new paragraphs -

(a) A member of the Commission, who is to be the Chairperson of the panel; and

(b) A member of the Commission; and

(c) A person who is not a member of the Commission and who, in the opinion of the Commission, has qualifications and experience that are relevant to the assessment of the major project.

Mr DEPUTY CHAIR - The original amendment has been withdrawn and been replaced by the amendment Ms Dow has just read in.

Dr WOODRUFF - We support paragraph (a) of the new amendment because we picked up that the original Labor amendment would have meant there would not have been a chairperson on the panel. That is an important and sensible change.

Paragraph (b) is that the person is a member of the commission. Paragraph (c) makes sense of 1(b). We are happy to support this amendment.

Mr JAENSCH - The principle raised with me is that we would need to preserve the capacity of a member of the commission to delegate. That is the way that the commission works and it populates panels, et cetera. That maintains the flexibility and capacity in the ability for them to cover the bases.

I propose an amendment to the amendment to the amendment -

Mr DEPUTY CHAIR - It is an amendment to the newly submitted amendment.

Mr JAENSCH - which would have the effect of having two members of the commission involved in this but that their roles may be delegated by them. The new amendment is that -

(a) In paragraph (a) after 'member of the Commision' insert ', or another person nominated by the Commission,'

(b) In paragraph (b) add 'or another person nominated by the Commission'

(c) In paragraph (c) leave out 'major'

That is 'has' not 'have' because that was previously two persons. That gives the assurance of two members of the commission who are the substantive members and that there are other people able to work under their delegation and authority.

Ms Dow - To be clear, the TPC ones would be the substantive positions.

Mr JAENSCH - They are my words, but if the two specified members are members of the commission or another person nominated by the commission and the third person who is not a member of the commission, but in the opinion of the commission has relevant qualifications and experience, it increases the commission's presence in the panel but maintains that important functional ability for them to delegate.

Ms DOW - Thank you, minister. We will be supporting your amendment to the amendment because to all intents and purposes it achieves what our intention was, and that is to have the two commissioners involved in the development of the assessment panel. It is our hope that will address some of the issues and perceptions in the community that the development assessment panel process would not be a truly independent process. We think it is absolutely critical that it is, and via those changes that will enable that to be addressed.

We do not have access to OPC and it is very difficult to draft amendments, so I have learnt a lot tonight, but it is very important we have access to that additional support. I know some previous commitments have been made around that. All these amendments have been based on feedback to us from the community, which we wanted to bring forward to this debate tonight and have debated, which I think we have done fairly fulsomely on the Floor of the House. That was our intention and each amendment was brought here in good faith.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Dr WOODRUFF - We have another amendment to proposed section 60W. I move -

That proposed new section 60W be amended by -

(a) omitting from paragraph (a) in subsection (3) the words 'commerce or industry'; and

(b) omitting from paragraph (b) in subsection (3) the word 'infrastructure.' and instead inserting 'infrastructure; or'

(c) inserting after paragraph (b) in subsection (3) the following new paragraph -

'(c) qualifications or experience in environmental science, environmental management, ecology, environmental and public health, Aboriginal cultural heritage or historic heritage.'; and

(d) inserting after subsection (3) the following new subsection -

'(A) One or more of the persons appointed to the Panel by the Commission under subsection (1)(b) must be a person with the qualifications or experience described in (3)(c).'; and

(e) omitting subsection (5) and inserting the following subsection -

'( ) The Commission may appoint a person under subsection (4) to be a member of the Panel in relation to a major project if -

(a) the Commission is of the opinion that the scale, specialist nature or complexity of the major project makes it desirable to appoint to be a member of the Panel a person with particular qualifications or experience that the Commission thinks appropriate to assist in the assessment of the project; and

(b) the Commission is of the opinion that the person has those qualifications or that experience.'

I will just walk the minister through what we are intending to do here. In the first part of this we are omitting the words 'commerce or industry'. This is in regard to the choice of people with qualifications and experience for sitting on the panel. We do not believe it is necessary to have a person with qualifications or experience in commerce or industry. Those are generic areas and are not specific to the assessment skills required for a planning application. It is not the case that the Planning Commission requires people who are their delegates to have experience in commerce or industry. These matters are secondary to the issues that ought to be in front of the Planning Commission panel when it is making an assessment.

That assessment should be based around planning law and based around regulators. It is not based around about the commercial viability of a project or the import for an industry area. Those things should all be raised in the assessment process as matters to the panel in submissions and hearings. Given there is a small number of people on the panel, we think to have that specifically could distort the skill set of expertise required given the other areas that must be covered.

Paragraph (a) of our amendment omits that and paragraph (b) is just a minor change so there is a possibility of adding in paragraphs (c), (d) and (e).

Paragraph (c) adds a new level of qualification and skills which the minister can choose from in terms of members who can be chosen for a panel and it adds those requirements for experience in environmental science, environmental management, ecology, public health, Aboriginal cultural heritage and historic heritage. We believe there was strong support to have that breadth of skills on the panel and it is really important. The projects being looked at must have people who understand and on a particular project where that is relevant, the commission must be able to make a determination to include that skill set in addition to land use planning, urban planning and regional development.

The numbers will need to be determined by the drafters but our proposed subsection says one or more of the people appointed on the panel by the commission under subsection (1)(b) must be a person with the qualifications or experience described in (3)(c). This is just to make it clear that the commission can appoint people onto the panel with the expertise that I have just listed.

The fifth change, subsection (e) that we are proposing the amendment for is to remove subsection (5)(b).

Subsection (5)(b) says that the commission must appoint a person under subsection (4) to be a member of the panel in relation to a major project if the commission is required to do so by a statement included under proposed section 60Q(3)(a) in the declaration of a major project. This enables the minister to direct the commission to direct the panel about the appointment of the people who should sit on there.

We think it is not appropriate for the minister to be involved in this situation. On the one hand you argued before, we disagreed, but you argued that you would be putting forward your advice to the panel about who should be included in the appointment of a panel. In this later section, we see that really what you are intending to do and what you are doing is intervening, directing the panel. This is not a 'may' at the start of this subsection. This part is a 'must'.

You are directing the commission to appoint a person who has experience or expertise under an area that you have determined is necessary for the assessment of a panel. This flies completely contrary to everything that you said about not having ministerial influence. I feel as though it is wading through concrete going through this bill. It is torturous on every level.

At every level I keep getting told people who have made submissions in good faith keep getting told that they are wrong and they are overly concerned about things and that there are not opportunities for the minister to intervene.

Tonight, we have pointed out numbers of times and provided amendments numbers of times where the minister gets to influence the appointment of the panel and the decision-making processes of the panel. This is another one and we think that it should be withdrawn.

Mr JAENSCH - That last matter first. We have had discussions already this evening on the purpose and the intent of the minister specifying skills. The broader issue in this amendment, first is in regard to (3)(a) and the skills listed there, qualifications or experience in land use planning, urban and regional development, commerce or industry. The reflection there is that these are for the members who will be part of the planning part of the assessment process.

There are other aspects of assessment of a project which are sent to relevant regulators who have expertise in Aboriginal heritage, threatened species management, cultural heritage and a range of other matters. The panel members, particularly those with experience and skills relevant to their role as the assessors of the project under LUPAA with its focus on land use planning matters, including economic development specifically in the objectives of LUPAA. That is why that mix of skills is specified upfront and/or (b) practical knowledge of, or experience in, the provision of building or other infrastructures notes that major projects is only for projects which involve building things. It is about land and its use but also development on that land -

Dr Woodruff - All planning applications are fundamentally about building things. The Planning Commission sits on all matters to do with building things.

Mr JAENSCH - Correct. I was just being explicit there. It is to account for why infrastructure might be a skill set which is included in the proposed make up.

The reference in the amendment to a range of other qualifications and experience covering environmental science, management, ecology, Aboriginal cultural heritage, historic heritage, et cetera. Those skills are in the relevant regulators that are part of setting the criteria for assessment and then conducting those assessments and providing advice to the panel on that basis. It would not make sense to duplicate those skill sets on the panel and in the relevant regulators.

Similarly, because every project will require assessment under a different combination of acts and regulations, if there was a requirement for the panel to have members with that raft of skills some of those would be redundant for some projects. There needs to be this ability for a core panel of land use planning, LUPAA-related skills, to identify with the assistance of relevant regulators what else needs to apply to a particular project because of its nature and then rely on the skills of those groups to provide the adequate assessment in those cases.

I do not think there is another matter that I needed to raise there. I am happy with 60W as it is, noting the previous amendments, but in terms of that skill profile. I do not support the amendment.

Dr WOODRUFF - Did the minister reply to our fifth part of that amendment in relation to the deletion of (5)(b) which was about the appointment of a person unless they had been directed by a minister, a particular statement of a minister, about how the panel should be constituted?

Mr Jaensch - I referenced that first up, yes.

Dr WOODRUFF - We do not agree with your argument. In fact, you have provided the argument unwittingly for why we have moved this amendment in the first place.

Yes, you are quite right. Most major projects would need to go through a series of regulators looking at the acts that this bill references including the Nature Conservation Act and threatened species, Aboriginal heritage and built heritage and the Environment Management Pollution Control Authority. I am sure I have forgotten one or two others but there is a bunch of them and they all relate to the skills, to the assessment of natural, cultural, built and Aboriginal values which we are referencing in that list.

The point is, the assessments will be done by those regulators and, if you remember, the manner in which their assessment will be conducted is governed by direction from the panel.

Mr JAENSCH - No, they make their assessments as they would under their own act, absolutely.

Dr WOODRUFF - That is correct, but the panel provides the assessment criteria.

Mr Jaensch - No.

Dr WOODRUFF - Since I do not have another speaking opportunity, I might stand on my feet. Perhaps the minister would like to respond from his chair.

Mr Jaensch - The panel assembles the assessment criteria from the advice provided by the relevant regulators. The assessment criteria is then a book of requirements that the proponent responds to and then that response is sent to each of the regulators and they assess their part under their own act.

Dr WOODRUFF - Right. You and I have mentioned the regulators. The assessment panel will have to make a decision about the assessment provided by the regulators. That requires expertise. There is no need for commercial or industry-specific expertise in making those assessments. What is required is the ability for the commission to identify the skill set we pointed to in our amendment as an option. We are not prescribing that those skills be picked up and chosen by the commission, but they are not given in the skill set that can be sampled from, and that is a problem.

The point is that this is heavily weighted towards commerce and industry and the provision of building infrastructure. Many other very important values and matters must be protected and attended to by the panel for a major project. This is too weighted in one area and is missing the opportunity for the panel to specifically identify people with that skill set.

We are disappointed you have that view, minister, and we are also disappointed that you continue to keep parts of this bill that provide you as minister with the opportunity to intervene in the process and have an influence over the commission's activities in this regard and the constitution of the panel.

The Committee divided -

AYES 3	**NOES 20**
Ms O'Connor	Ms Archer
Ms Ogilvie	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis (Teller)
	Mr Ferguson
	Mr Gutwein
	Ms Haddad

Ms Hickey
Ms Houston
Mr Jaensch
Mr O'Byrne
Mrs Petrusma
Mr Rockliff
Mr Shelton
Ms Standen
Mr Tucker
Ms White

Amendment negatived.

60X. Powers, procedures and liability of Panel

Mr DEPUTY CHAIR - Dr Woodruff, before you go on, whoever has been in the Chair has been pretty lenient in terms of allowing the backwards and forwards while we have been in Committee. Substantive contributions need to be made on your feet rather the situation we had with that last amendment, just for the ease of Hansard and to be able to control what is going on. Dr Woodruff, the call is yours.

Dr WOODRUFF - Proposed new section 60X relates to the powers, procedures and liabilities of the panel. I move the following amendment -

> That proposed section 60X be amended by inserting after subsection (3) the following new subsection -
>
> '( ) The procedures approved by the Commission under subsection (3) must be consistent with Part 3 of the Tasmanian Planning Commission Act 1997.'

The purpose of this amendment is to ensure that the procedural guidelines that are issued by the Commission enhance rather than detract from the public's opportunity to participate in the assessment process, by requiring them to be consistent with part 3, and including the obligation to comply with natural justice.

The Tasmanian Planning Commission sets a high bar when it comes to the processes during the conduct of its proceedings, processes of hearings, submissions, and notifications and consultation processes. These provide fairness in access to information, timeliness of information and natural justice to be provided to people who are participating in the matters before the Commission.

We want clarification through this amendment that the procedures of the Commission under part 3, would be consistent with part 3 of the Tasmanian Planning Commission Act 1997.

Mr JAENSCH - We have considered the amendment and the reason for it. We are satisfied at this stage that Part 6 in the same section, does the same job as what is proposed.

Proposed section 60X(6) reads -

Part 3 of the Tasmanian Planning Commission Act 1997 applies to, and in relation to, a Panel as if a reference in that Part to the Commission were a reference to the Panel.

Dr Woodruff - Minister, can you confirm that that relates to the powers, procedures and liability that would govern the panel, not just the actions of the panel?

Mr JAENSCH - Everything it does, as I understand.

For thoroughness, Part 3 of the Tasmanian Planning Commission Act covers hearings, procedures of hearings, representation at hearings, written evidence and submission, documents to be made public, protection of members et cetera, protection from liability, power to obtain information and documents, allowances to persons giving evidence, et cetera, failure to comply with requirement, false or misleading evidence or information, obstruction or improper influence, misconduct, contempt.

Those are the procedures. It covers the procedures and procedural requirements as you mentioned.

Dr WOODRUFF - Thank you. I will withdraw that amendment.

Amendment, by leave, withdrawn.

60ZZM. Grant of major project permit

Dr WOODRUFF - Mr Deputy Chair, I move -

That clause 60ZZM be amended by omitting subsection (4) and inserting the following new subsection -

(4) The Panel may only grant under subsection (1) a major project permit in relation to a major project if it is satisfied that -

(a) the assessment criteria in relation to the project have been satisfied; and

(b) the project would be consistent with furthering the objectives specified in Schedule 1; and

(c) the project is consistent with relevant State Policies; and

(d) the project is consistent with the TPPs; and

(e) the project is consistent with any regional land use strategy that applies to the land on which the project is to be situated; and

(f) the project avoids the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(g) the project is in the public interest; and

(h) if the project is in accordance with -

(i) if located on Crown Land, any relevant management plan for reserved Crown Land under the National Parks and Reserves Management Act 2002; or

(ii) if located in Wellington Park, a management plan for Wellington Park under the Wellington Park Act 1993; and

(i) the relevant fee required under section 60ZZZB, and any other fee required under any other Act to be paid for the assessment of the project, have been paid; and

(j) the Panel has received a final advice under section 60ZZF(1) from each participating regulator.

Subclauses (a) and (b) remain the same. Subclause (c) would now say the project is consistent with relevant state policies. Also, (c) inserts the words 'is consistent with' the TPPs instead of 'in contravention with' the TPPs. Similarly subclause (e) in relation to regional land use strategies the project would need to be 'consistent with' any regional land use strategies rather than 'not be inconsistent' with them.

This makes sure there is that consistency rather than 'not in contravention with'. That is a different matter. It ties the granting of the major project permit very closely to the intention and the specifics within the state policies, the TPPs and the regional land use strategies. It is very clear that there cannot be any inconsistencies between that major project and those three policies or strategies.

There are two new parts, subclauses (f) and (g). Subclause (f) deals with the avoidance of land conflict. I am surprised that the Government has not paid closer attention to this matter. It is important. There is nothing in the conditions that the panel can grant a major project permit that means that the project has to avoid the potential for land use conflicts.

This is anomalous with the rest of the planning scheme. A major issue in a development application for councils acting as planning authorities is to consider the impact of the development on surrounding land and the potential for land use conflict.

This was raised for me when I was on the Huon Valley Council when dealing with fettering in regional areas, where extant activities that are operating lawfully and under the planning scheme are not be prevented from continuing. Classic ones in regional areas are agricultural noise - people coming in and building residences, or coming into places and wanting to set up something else, and they really do not like the sounds of tractors or big machinery. The same thing happens in inner city suburbs, where people are living in a suburban environment, and somebody wants to set up a very noisy business operating outside business hours. There has to be some way to manage that. It has to be considered in the decision-making process.

Our additional (f) means there has to be a capacity to look at the potential for land use conflicts that are already described within the planning scheme that would affect the surrounding areas.

The second thing we are adding to this proposed new subsection (4) is a new paragraph (g), which is that the project should be in the public interest. We think it is fundamentally essential that major projects must, because of their significant impact, scale and their complexity, also demonstrate they have the public interest at heart - not necessarily their principal reason for creating a development, but it must be in the public interest that the development is created. Let us face it, this bill enables a whole different process for the developer to go through, with much more opportunity for ministerial influence and all the other things we pointed out, so at least it ought to be able to demonstrate it is in the public interest.

Paragraph (h) is also that the project must ensure that where a major project is located on reserve crown land, or in Wellington Park, that the decision-making criteria required of the project is in accordance with the relevant management plan. This is critical - it is so critical. We must have confidence this will be adhered to, otherwise the management plans for these places may as well be torn up.

This major projects bill already tramples on the Tasmanian Planning Scheme. It already moves into local provision schedules. It already takes away the possibility of putting strict limits on building heights. It already removes the possibility of local provision schedules and the specificity within them being able to be cast iron.

All the work that has been done for such a long time with interim planning schemes and then moving into the Tasmanian Planning Scheme means nothing if the prohibitions and the local planning decisions made about areas cannot stick.

Time expired.

Mr JAENSCH - In response to the amendment, with the matters just raised, I do not have time to cover all the things you said that were wrong, but I want to come back to the amendment.

The first matters raised are in subsections (c), (d) and (e), and refer to the use of the term 'not be in contravention of'.

We discussed this earlier. It is a drafting preference of the Office of Parliamentary Counsel to use 'not be contravention of', rather than 'be consistent with'. They have their reasons for that. I am not going to argue the toss on those matters. We are assured it has the equivalent meaning, but it is more correct in a legal sense for it to be drafted in this way. That is a drafting style issue, to not be in contravention of state policy and not be in contravention of the Tasmanian Planning Policies - the TPPs.

The third matter, about the project 'being consistent with a regional land use strategy', or 'not inconsistent with' - the reason for it being 'not inconsistent with' is that it allows consideration of a matter on which a land use strategy is silent, so that something can be proposed which is not referenced in any way within a regional land use strategy. Maybe it was not considered or anticipated at the time of its creation, but is not necessarily inconsistent with another part of the content of the regional land use strategy.

The example we will use here is if the Southern Tasmania Regional Land Use Strategy were silent on the matter of light rail corridors. If we were to contemplate a major project proposal around the establishment of a light rail corridor, and our rule was that we must be consistent with the regional land use strategy, we would hit a bit of a bump.

Dr Woodruff - No, because that could be considered under a Major Infrastructure Development Approval.

Mr JAENSCH - However, a MIDA is extremely limited, and generally relates to power infrastructure and linear infrastructure. It only covers a couple of forms of approval, whereas major projects have far more scope to consider a wider range of things. That example is the reason for writing this as 'not inconsistent with', so it means it is not in contravention of the intent of the regional land use planning strategy, but may not have been anticipated in its creation.

Further on, paragraph (f) that was identified - the project avoids the potential for land use conflict, with use and development permissible - is dealt with in the preceding three clauses, consistency or not in contravention with state policies, TPPs and not inconsistent with the regional land use strategy. Those are all intended to provide that arrangement of land uses compatibilities, et cetera, so that you do not have conflict. That is what those plans and policies should aim to achieve.

Proposed paragraph (g) is a very subjective test - the project is 'in the public interest' - and we do not accept that.

Dr Woodruff - That is a pretty standard legal test.

Mr JAENSCH - It is a very global one.

Going then to (h)(i) and (ii): in terms of Crown land and the reference to management plans under the National Parks and Reserves Management Act and the management plan for Wellington Park under the Wellington Park Act, no project can proceed in contravention of either of those acts and their related management plans.

Dr Woodruff - Where does it say that?

Mr JAENSCH - They have their own gates and rules, which mean that a project that proceeds through the major projects bill cannot proceed unless it goes through the normal approvals processes under both of those acts in relevant cases, so under the National Parks and Reserves Management Act and under the Wellington Park Act.

Dr Woodruff - Minister, to be clear it says that, 'within those acts'? That the limits are within those acts?

Mr JAENSCH - More to the point, the approvals processes in the major projects act do not include those approvals and they have to be sought separately. So there is separation from those. I believe that with those explanations that accounts for why the wording is as it is and these extra inclusions are not required. They are redundant because those acts limit a project proceeding if not through their normal approval processes anyway.

On that basis we will not be supporting the amendment.

Amendment negatived.

Proposed new section -

Ms DOW - Mr Deputy Chair, I wanted to move my fourth amendment and bring that forward in the bill, after discussion with the minister that it should be included in clause 12, new section 60ZZZI, Review of operation of division. My understanding is that there are a couple of parts of it that are not contemporary with the drafting of this bill. I would say that this was taken from the Projects of Regional Significance process and wanted it included in this process.

If you wanted to provide that overview of what you have in that amendment to have a look at before I move this one.

Mr JAENSCH - Mr Deputy Chair, we have considered the amendment seeking to apply a review of the act at five years in a similar fashion to what is currently in legislation under the Projects of Regional Significance process. We noted with the wording that Ms Dow had proposed that there were some inconsistencies with the other language and components of the major projects bill and are different from the PORS process. So, OPC has redrafted the proposed insertion and the Clerk might distribute those for inspection to ensure that they capture the intent.

We are advised that this is the equivalent of what was proposed but polished somewhat so that it is coherent with the related parts of the bill, including references to, say, the permit being a major project permit as opposed to a special permit, just for correctness in the reading of the document.

Mr DEPUTY CHAIR - We will just give the relevant parties a second to read that and then I will get you to move it, minister.

Mr Jaensch - I would be happy for Ms Dow to move it.

Mr DEPUTY CHAIR - To move that amendment?

Mr JAENSCH - If she was to adopt that as her wording for the amendment.

Ms DOW - Mr Deputy Chair, I move the amendment that has been brought forward to be more contemporary in the drafting of the bill that the minister has proposed and that is amendment to clause 12.

I move -

After proposed new section 60ZZZH, insert the following proposed new section -

60ZZZI. Review of Operation of Division

(1) The Minister, as soon as practicable after 1 January 2025, must appoint one or more persons to conduct a review of -

(a) whether the granting of any major project permits has been efficient and effective; and

(b) the exercise of the power under section 60O; and

(c) the effectiveness of the determination guidelines; and

(d) whether, and the extent to which, this Division provides an efficient and effective process for the approval of developments.

(2) A person may not be appointed to conduct the review for the purposes of subsection (1) unless, in the opinion of the Minister, the person possesses appropriate qualifications, or experience, to conduct the review.

(3) At least one of the persons appointed to conduct the review for the purposes of subsection (1) must be a person who is not –

(a) a State Service employee or State Service officer; or

(b) a person employed or engaged by the Crown in the right of Tasmania or the Commonwealth; or

(c) a person employed or engaged by a State-owned company, a Tasmanian Government Business or another body established under an Act of the State.

(4) The person or persons who conduct the review for the purposes of subsection (1) -

(a) must, by notice in a newspaper published in the State, invite all persons to make submissions in relation to the review by a date specified in the notice; and

(b) consider any submissions made before the date specified in the notice; and

(c) within 6 months after a person is appointed to conduct the review provide to the Minister a report in relation to the review.

(5) The Minister must cause a copy of the report provided to the Minister under subsection (4)(c) to be laid before each House of Parliament within 5-sitting-days after the report is so provided to the Minister.

The intent of us moving this amendment and the intent of the amendment was about the importance of having that review mechanism after the five-year period. That was an undertaking with the last legislation and there has not been the opportunity to do that.

Arguably, it was never used, but it still was an important negative and perhaps had that been applied and undertaken, there would have been consideration of some of those things which we have raised through the debate today, around the composition of the development assessment panel, and the right of appeal process. It would have provided the opportunity for a full examination of the legislation which this is replacing.

I acknowledge there has been a tremendous amount of work done to develop this new bill but for good proper public process and for parliamentary process, it is important that this review clause is included in the bill. I thank the minister for his advice and support for that.

Dr WOODRUFF - On the amendment, the Greens had already circulated an amendment that we were proposing to make which would have introduced a review of this decision, which was also in the new section 60ZZZI, so we definitely support the need for a review. We are also proposing a five-yearly review. We are happy with that time frame and we are happy with the fact that a review is to be undertaken.

I have proposed an amendment to the amendment, which I have already circulated in our existing circulated amendment for what would have been this new section. I move -

In paragraph (1) insert new paragraph (e) to follow paragraph (d) -

(e) the extent to which the public have opportunity to effectively represent their views.

This is a really important addition and would be a sign that there would be support for a full investigation of the impact of the ability for people to engage in the process, to be consulted with and to be able to represent the range of views in the community. There has been so much community concern about this major projects bill, minister - you would know that yourself because you received over 1500 submissions and you would know that 98 per cent of them opposed this bill. It would be a sign of good faith and reassurance on some small part that a review would, among the four letters matters you have proposed, also include the extent to which the public has an opportunity to effectively represent its views.

The only other point I want to make, in addition to that amendment, was a question in relation to subsection (4)(a), which says that persons who conduct a review 'must, by notice in a newspaper published in the State, invite all persons to make submissions in relation to the review by a date specified in the notice'.

Is that the best we can do in terms of informing people about such an important review - a date in five years? Sorry to be the person who might speak this possibility, but will there be newspapers circulating in this state then? What about also being published on the Government website? I think there are a few other matters we typically put into bills these days in terms of notification processes. Perhaps the minister could think of inserting about publishing on the Government website or other means that could be appropriate to let people know that a review is in train.

Mr DEPUTY CHAIR - Dr Woodruff, you need to submit your amendment to the amendment to the Clerk.

Dr WOODRUFF - I submit that I have submitted that amendment. In fact, I will do it again for the Clerk.

Ms DOW - Minister, the previous clause which is in force makes direct reference to the review being independent. I know that as you work through this amendment that is the intent, but it is not clearly written in there that it is an independent review. It just says 'a review'. I am wondering why that was not included. That was an important part of the previous one. It is a semantic thing, but it means a lot.

Mr Jaensch - Was it included in the amendment you gave out?

Ms DOW - No, it was not. It does not say 'independent review', it just says 'review'. I am wondering why it doesn't say 'independent'.

Mr JAENSCH - On my way to the amendment to the amendment, I will recap.

In the wording of the amendment as put forward regarding how an operation of the division be conducted, there is reference that the minister must appoint one or more persons to conduct a review -

> A person may not be appointed to conduct the review for the purposes of section (1) unless, in the opinion of the Minister, the person possesses appropriate qualifications …

And that's at least one of the persons appointed to conduct the review for the purposes of subsection (1) must be a person who is not a State Service employee or State Service officer; employed or engaged by the Crown … of Tasmania or the Commonwealth; or a person employed or engaged by a state-owned company, a Tasmanian Government Business or other.

In my view, that is the provision of the independent element of the review, but I think it explains independence in the process.

In relation to the amendment to the amendment, my view is that we support the wording of the amendment, but would not support the amendment to the amendment.

Dr Woodruff - Sorry, what was that?

Mr JAENSCH - I will not support your amendment to the amendment. I am comfortable with the matters as proposed in the amendment put forward by Ms Dow.

Amendment to the amendment negatived.

Ms HADDAD - I want to speak on the amendment moved by Ms Dow and drafted through the minister through OPC, and remark on the fact that we have actually seen something quite remarkable happen here tonight with that amendment - through the minister an opposition member's amendment has very gratefully been drafted through the Office of Parliamentary Counsel.

We are often criticised in this place for our amendments not being well drafted and being sloppy. I note that the minister has not said that about these amendments to my knowledge,

although I have not been here for the whole debate tonight, but that has been something I have witnessed in the time I have spent so far in this Chamber. The Opposition is always coming to the Table with amendments we draft ourselves that we are meaningfully putting on the Table to try to make improvements to legislation, and it is at odds with the fact that the Government often criticises us for not providing enough scrutiny.

Drafting is a niche skill set; it is a fascinating skillset and I have enormous admiration for the amazing work done by the people who work in the Office of Parliamentary Counsel. Because this happened tonight, I did not want to miss the opportunity to remark on and thank the minister for facilitating that and to put in a plug for opposition access to the Office of Parliamentary Counsel because it would mean that the Committee stage of bills would be much more efficient and productive, and that drafting styles are in keeping with the Tasmanian drafting styles.

Amendment agreed to.

Clause 12, as amended, agreed to.

New clause A -

Ms DOW - Mr Deputy Chair, I move -

That the bill be amended by inserting a new clause 12A to follow clause 12 -

A. Section 61 Amended

(1) Section 61 of the Principal Act is amended by inserting the following new subsection before subsection (1) -

'( ) In sub-sections (4)(a) and (5)(b) of this section, the words and phrases 'Panel', 'major project', 'major project declaration', 'major project permit', 'proponent', 'final assessment report' and 'relevant planning authority' have the same meaning as in Pt 4, Div 2A'

(2) Section 61 of the Principal Act is amended by inserting the following new subsection after subsection (4):

'( ) If the Panel refuses to grant a project that is the subject of a major project declaration under s 60M a major project permit under s 60ZZM(1)(b), or grants a major project permit subject to conditions, the proponent of the major project may appeal to the Appeal Tribunal against the decision within 14 days after the day on which the Panel gives the proponent the final assessment report in relation to the project under s 60ZZQ(3).'

(3) Section 61 of the Principal Act is amended by inserting the following new subsections after subsection (5):

'( ) If the Panel grants a project a major project permit under s 60ZZM(1)(a), then:

(a) a person who made a representation under s 60ZZD(1); and

(b) a participating regulator - may appeal to the Appeal Tribunal against the grant of the permit within 14 days after the Panel gives notice to the person under s 60ZZQ(4).

( ) For the avoidance of doubt, an appeal maybe commenced under subsection (5)(a) in relation to the conditions or restrictions attached to the major project permit.'

I will be guided as to whether it has been drafted appropriately, or whether it is inserted at the correct place in the bill.

The premise of moving this tonight is really to demonstrate that we have listened to the community and their concerns about the right of appeal process not being part of this bill. Whilst I recognise that it was not part of the original Project of Regional Significance Bill we believe there is merit in looking at it as part of this process.

We have received hundreds of emails and correspondence, phone calls and the like about the fact that this is not part of this bill. Whether that is related to the fact that parts of the bill were not communicated as effectively to the community as they should have been remains to be seen. Nonetheless, this is a considerable concern. It would have been remiss of us not to put this forward as an amendment for debate in the parliament given the high level of community interest and concern about this particular appeals process not being made available to the community, particularly where there are concerns around a number of significant projects across the state.

Mr JAENSCH - The decision taken by the Government not to build in appeal rights to the Resource Management and Planning Appeals Tribunal is because the original decision comes from an expert panel. It would be rather unnecessary and incongruous to provide for a right of appeal against the decision of an expert planning body -

Ms O'Connor - So what? Honestly. Because they will make a perfection decision?

Mr DEPUTY CHAIR - Ms O'Connor, you will have a chance to make a contribution if you want to.

Mr JAENSCH - to a second expert planning body, such as RMPAT. I do not believe there is logic in the argument that appealing to a second expert panel will provide a better planning outcome than the decision of the first expert panel. The only logic in allowing an appeal to a second planning panel would be if one considered that the original planning panel was in some way of lesser status or even less skilled or competent than the second panel and that is certainly not the intention. Of course, the option of review by the Supreme Court under the Judicial Review Act will still be open to anyone with sufficient interest in the matter who believes a particular development assessment panel process to be flawed.

Those words were spoken in 2009 by David Llewellyn as minister for planning introducing PORS. The same principles apply and the same advice would have been given as to now. The Tasmanian Planning Commission is the pre-eminent planning body in the state. It determines matters that are more complex than the review of a DA against a planning scheme. This includes assessment against policies and regional land use strategies. Just like the Projects of Regional Significance process, the major projects bill does not provide for merit review of the panel's decision, merely judicial review. This recognises that the Tasmanian Planning Commission is the pre-eminent statutory planning authority.

In other assessment processes, where a panel appointed by the commission acts in accordance with the requirements of the Tasmanian Planning Commission act, those decisions whether in regard to a proposed planning scheme amendment or a combined DA and amendment are under section 43A of LUPAA. What you are proposing is not only inconsistent with other assessment processes but would undermine and diminish the statutory authority and even the status of the commission and set a precedent for appeals against all of the commission's decisions.

While allowing for an appeal to RMPAT against a decision of the commission is not quite the same as allowing for a decision of the Supreme Court to be appealed to a local magistrate, the principle is similar. There are operational matters that it raises. For example, would the panel of the TPC be defending its decision to another panel? Similarly constructed like a council has to defend its decisions to RMPAT for a normal DA appeal? Another consideration is that in purely practical terms, allowing for an appeal to RMPAT would add between six and 12 months to an assessment process for what would likely be the same result. That may encourage proponents to seek their approvals more through channels like the combined DA amendment application process section 43A of LUPAA as there is no appeal currently under that process either.

The other matter I raise for completeness in this is to never forget that an appeal process, if instituted, is also available to the proponent. This is not a one-way appeal mechanism. It would be available to a proponent also to appeal an outcome of a decision on a proposal. With that, and I acknowledge the member raising this as a matter, it certainly featured strongly in the public discussions and the submissions that we received. To be fair, there was strong information put out, made available and explained in response to submissions and inquiries that we fielded throughout the consultation process of the reasons why, and the precedents for, the appeal process not being built in. We are dealing with quasi legal concepts here, these issues of precedent and the relativities of different parts of the planning system. So it is understandable that does not cut through quite as strongly as someone saying, you have no rights to go to the umpire on this. In fact they do. The umpire in this case is the Supreme Court but what is not true is to say that appeal rights have been lost or taken away because under the legislation that this replaces they were never there.

We believe that the great strength of the major projects process as for the Projects of Regional Significance process is you start off with the decision made by the authority that you would normally go to for an expert call on a planning decision. The quality of the decision-making and the rigour of the process is embedded from the beginning so we will not be supporting the amendment.

Ms O'CONNOR - It is a worry when a minister of the Crown feels he has to cite a former minister of the Crown who was in office at the point at which the quote was drawn from more

than a decade ago. When you have to resort to quoting David Llewellyn in order to make your case, you are in trouble. I know that while Labor could not bring itself to do the right thing and vote against this legislation in whole, it has heard in part the concerns raised by members of the broad community about this legislation, including the lack of appeal rights.

It is interesting that the minister can say it was a strong theme that came through the consultation and submission process that people were concerned about the lack of appeal rights, and yet nothing was done to respond to those concerns. No adjustments were made to the legislation to account for the fact that the Government had gone out there and consulted, people had put submissions in in good faith, there was a strong theme of concern about the lack of appeal rights, and yet again the community's voice was completely ignored.

This is not the way you have trust in planning, this is not the way you empower communities to have a voice and a say in their place. To suggest it is somehow an appealing prospect to communities to have to appeal against a potential expert panel decision in the Supreme Court at huge cost is insulting and offensive because these communities are made up of people, none of whom are fabulously rich, certainly not like the developers and the corporations they will be coming up against as a result of this legislation.

The most damning confession the minister just made then is that the call from within the community through the submission process was that there needed to be appeal rights and yet the Government ignored them. It is utterly reduced to citing a former failed Labor minister for planning, David Llewellyn, in order to prop up its case and try to justify having no appeal rights to an expert panel's decision other than a costly judicial review through the supreme court. I think that tells us everything we need to know about where the balance lies with this Government and it is most certainly not with communities.

The Committee divided -

AYES 11	**NOES 12**
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Haddad	Mr Ellis (Teller)
Ms Houston	Mr Ferguson
Mr O'Byrne	Mr Gutwein
Ms O'Connor	Ms Hickey
Ms Ogilvie	Mr Jaensch
Ms Standen	Mrs Petrusma
Ms White	Mr Rockliff
Dr Woodruff (Teller)	Mr Shelton
	Mr Tucker

Amendment negatived.

Clauses 13 to 47 agreed to.

Title agreed to.
Question - That the bill be reported with amendments - put -

The Committee divided -

AYES 21	NOES 2
Ms Archer	Ms O'Connor
Mr Barnett	Dr Woodruff (Teller)
Dr Broad	
Ms Butler	
Ms Courtney	
Ms Dow	
Mr Ellis (Teller)	
Mr Ferguson	
Mr Gutwein	
Ms Haddad	
Ms Hickey	
Ms Houston	
Mr Jaensch	
Mr O'Byrne	
Ms Ogilvie	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Ms Standen	
Mr Tucker	
Ms White	

Question agreed in the affirmative.

Bill reported with amendments.

Suspension of Standing Orders - Third Reading Forthwith

Mr JAENSCH (Braddon - Minister for Planning) - Madam Speaker, I move -

> That so much of Standing Orders be suspended as would prevent the bill being now read the third time forthwith.

[11.07 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, this House is about to pass legislation that does not have a social licence. We know that right across Tasmania, community organisations that are standing up for their place wanted to see this legislation rejected.

We have had community organisations that in good faith made submissions to the consultation process. More than 1700 submissions came into that process, and a very small percentage of them were in support of the major projects legislation. Yet those communities and those individuals who made submissions in opposition to this legislation or wanted to see it substantially improved have been dismissed.

Madam Speaker, I will say this in closing: if the Labor Party had listened to communities from Cambria Green to Westbury, if they had listened to the countless people who came to see them to ask them to reject this legislation, it would have given comfort to those communities that they had been heard, and it would have sent a very strong signal to the upper House. It is because the Labor Party has supported this legislation that it will get through, undoubtedly, both Houses of the Tasmanian Parliament. Ultimately, the Labor Party can carry responsibility for this.

I want to pass on to those community organisations, those outstanding people who briefed many members of parliament, and got in touch with them, thank you. I am sorry the vote went this way. I am sorry you were disappointed in so many of your elected members.

Finally, Madam Speaker, I know we harp on about this, but at the end of the day, we are parliamentarians. We are in here to give effect to a set of values. If you feel strongly enough through a legislative debate to move amendments, and if those amendments you believe are important and they have been put to you by community organisations, you should have the courage to divide on them.

Perhaps one of the most dispiriting aspects of tonight's debate was to see the Labor Party, again, hand-wringing, putting forward amendments that were woefully drafted. I hear the chortles from the Labor benches - but you do not have to be in here for more than five minutes to know how badly your amendments were put together.

Madam Speaker, we had a situation in here tonight where so many amendments were put forward. Dr Woodruff's amendments, our amendments, were solid. Labor's were poorly drafted, and they did not even have the courage to divide on them.

When you come to this place as an elected representative, you have to stand by your convictions and you have to have a set of values, otherwise people will rightly ask, 'Why are you here?'. We are a representative democracy and each of us is elected to represent our communities. I do not think Tasmanians are going to continue to cop hand-wringing from a Labor Opposition which tries to make the right noises out of one side of its face and then comes in here when it does not think people are watching and does not do the right thing and does not stand by a set of values. If you are not going to back the communities who came to see you, have the guts to tell them. If you are going to move amendments that you say you want to have moved to improve the bill, have the guts to divide on them. For heaven's sake people stand for something.

Madam SPEAKER - The question is that Standing Orders be suspended to read the bill the third time -

The House divided -

AYES 21	**NOES 2**
Ms Archer	Ms O'Connor
Mr Barnett	Dr Woodruff (Teller)
Dr Broad	
Ms Butler	
Ms Courtney	
Ms Dow	

Mr Ellis (Teller)
Mr Ferguson
Mr Gutwein
Ms Haddad
Ms Houston
Mr Jaensch
Mr O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Ms Standen
Mr Street
Mr Tucker
Ms White

Motion agreed to.

Bill, as amended in Committee, agreed to.

Question - That the bill be now read the third time -

The House divided -

AYES 21	**NOES 2**
Ms Archer	Ms O'Connor
Mr Barnett	Dr Woodruff (Teller)
Dr Broad	
Ms Butler	
Ms Courtney	
Ms Dow	
Mr Ellis (Teller)	
Mr Ferguson	
Mr Gutwein	
Ms Haddad	
Ms Houston	
Mr Jaensch	
Mr O'Byrne	
Ms Ogilvie	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Ms Standen	
Mr Street	
Mr Tucker	
Ms White	

Motion agreed; Bill read the third time.

ADJOURNMENT

[11.18 p.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, I thank the House for their great work through the day.

I move - That the House do now adjourn.

Statement by Speaker

Role of Speaker

Madam SPEAKER - Honourable members, I have an address to the House. Yesterday morning I gave an address to the House regarding an incident in parliament last week. My address was described by the *Mercury* newspaper as 'Sue Hickey extends an olive branch to the Tasmanian Greens' and by the *Advocate* as 'Sue Hickey attempts to make peace with the Tasmanian Greens Leader'.

Clearly Ms O'Connor did not see it this way. In her second letter, Ms O'Connor noted that she did not understand why I said, 'I personally feel extremely uncomfortable with what you were saying'. To this I simply say, 'Yes, I did feel very uncomfortable with what you were saying', but more so with the way in which she was saying it.

Whilst the role of Speaker is to maintain order in the House, I have since been informed that convention dictates that the Speaker must not intervene in debate. For this grievance, I apologise to Ms O'Connor for what she perceives as bias.

As I stated in my last address, that having been in the House for just over two years, I am continuing to learn the practical application of these Standing Orders in all situations. I recommit to the House that I will ensure the foundations of the Westminster parliament are upheld and that individual members can rightly contribute in line with the rules and forms of the House.

I reiterate that I wish to see this House be a safe workplace, with the members showing relevant respect to each other and more orderly behaviour as the public expects of us all as role models.

The House adjourned at 11.20 p.m.