

PUBLIC WORKS COMMITTEE AMENDMENT BILL 2008 (No. 84)

Second Reading

[12.02 p.m.]

Mrs NAPIER (Bass - 2R) - Madam Deputy Speaker, I move -

That the bill be now read the second time.

Madam Deputy Speaker, this bill was introduced into the Parliament last year, and it came about as a consequence of a matter that has been often drawn to the attention of the Public Works Committee, both in national forums and State forums. The situation arises because of the wording of Part 3 section 15, 'Functions of Committee', in the original act, the Public Works Committee Act 1914 (No. 32). It is worded in such a way that only certain projects that are funded, in effect, through the Loan Fund are actually considered by the Public Works Committee here in Tasmania.

As a consequence this State Government has set up various alternative funding mechanisms such as the ESIF, by which projects do not need to go through the Public Works Committee. But, most importantly, where there is solely Federal funding of a particular project, I am very conscious that that would be, for example, a lot of the National Highway that was developed up on the north-west coast - certainly the Deloraine and Penguin components, the Penguin to Burnie component - and more recently the East Tamar Highway. I think members would be very aware, and it has certainly been brought forward by this side of the House, that there has been some real concern in the community about the nature of the intersections for the people of Dilston and Swan Bay when T-junctions were proposed rather than the alternatives by preference of grade-separated exchanges or roundabouts.

Of course the Parliament has no means by which it could deal with that matter apart from of course questions in the House and motions and so on. The Public Works Committee would normally have the responsibility of calling for a public hearing, asking the public to present their views one way or the other about the project and receiving detailed submissions from the department responsible for that project. I have been on the Public Works Committee now for a long time, and at a number of recent national public works committee meetings that I have attended we only spend a small amount of time getting an overview of what the various committees are doing across the differing parliaments. We spend most of our time looking at particular issues of contention.

I remember particularly we looked at the bushfire issue in the ACT and some of the planning issues that followed from that, some of the redevelopment of otherwise degraded sites. More recently we looked at Newcastle and the redevelopments that have been occurring there. One of the issues that kept coming up when all of the committees came together was that people were just amazed that the Tasmanian Parliament and its Public Works Committee did not look at federally funded public works projects. I think there was a feeling that really whilst we probably could have tried to call

in the equivalent committee at the Federal level, they were of the view that it was much better for the State Parliament's Public Works Committee to look at these issues because they were local and they could more easily address any of the public concerns or engineering concerns that might be raised about those projects in order to make sure that there was full value. So for that reason it was decided that we needed to update this part of the act.

The reference to the Public Works Committee examining proposed public works costing more than \$2 million funded from the Loan Fund is the part that we are amending. In fact the Loan Fund no longer exists, so it is a really interesting question whether the Public Works Committee has actually been operating in a way that is consistent with the act in the first place. In fact, my advisers were able to provide me with some information on this, and we have since checked that with the clerks and so on, and thank you to Mr Morris. The Loan Fund was in fact abolished in 1986 when the Public Account Act 1957 was repealed, and the new Public Account Act 1986 provided that the public account of the State shall consist of the Consolidated Fund and the Special Deposit and Trust Fund. However, the necessary consequential amendment to the Public Works Committee Act was not made at that time as it should have been, and has not been made since, so we are tidying up that issue as well.

It is certainly not a matter of party politics, because the oversight has been made by both Liberal and Labor governments, but it is time to fix the problem. It is also really important to continue the intention of the Parliament that the Public Works Committee examines all works relating to proposed public works over the \$2 million threshold, so there needs to be that minor amendment to section 15 to remove the reference to the loan fund and replace it with the words 'Public Account'. Without this small amendment public works can evade the scrutiny of Parliament, whether it was intended or not. I will not repeat the point, but certainly millions of Federal dollars have been spent on National Highway upgrades with no effective overview by either the Commonwealth or State Parliament. The Commonwealth was thinking that the State Parliament Public Works Committee was doing it, but of course under the act that was not the case.

I make the point that the principal act retains a provision for the two Houses of Parliament to pass a resolution declaring that a particular public work not be examined by the committee. If there was a matter of absolute urgency or something like that and it was decided the Public Works Committee did not need to examine that particular project, the act allows for the Houses of Parliament to pass such a resolution, and that will remain the case when exceptional circumstances apply.

So I think that pretty well summarises the reasons I have brought this matter forward, and of course both Houses of Parliament will need to pass this legislation to tidy this up. It has actually been a source of frustration of mine, I suppose, for some time that this loophole had not been fixed up, and in the end I appreciated the fact that we had someone with the legal skills to make just that small amendment. But, as I said, we have ticked it off to make sure that it is acceptable from the point of view of the clerks and, importantly, in relation to the Public Works Committee as well. I have consulted with the chair of the committee. He has indicated that he is happy for this bill to be introduced

into the House. I appreciate the guidance received from the secretary of the committee. I know the Leader for Government Business, Mr Llewellyn, would be aware of this continuing problem with the act.

This very small bill is basically changing a couple of words, but I am hoping that we will be able to tidy this up because I frankly saw it as a point of embarrassment when Federal parliamentarians would ask, 'Have you fixed that up yet or is a lot of Federal money still being spent in Tasmania without a committee oversight process to ensure greatest efficiency?' In fact one of the roles of the Public Works Committee that I think is so important is that the committee actually exists. Most often representatives from roads and infrastructure or education are before it because of the schools that we look at - or health. We had a look at an excellent proposal for Bruny Island just two weeks ago. The committee went down to examine the project and one of the really positive features was that it actually might be energy-neutral in terms of the energy generated compared to the energy costs of operation. That would be excellent for the people of Bruny Island as we look at ways of being able to decrease reliance on the major generation systems with the use of smart technology such as solar and wind power.

The real value of the committee is that the officers are aware that, unless they fully consult with the users of the new facilities and the interested community, those communities and those users will raise problems through our committee process. Generally we find that the consultation processes are very good because the officers have no wish to be embarrassed or otherwise by the public raising points of concern when the committee actually looks at the matter. Predominantly that was so when we more recently approved the Brighton bypass, as well as the transport interchange centre and the upgrade of the Bridgewater Bridge. A number of people raised questions that they wanted to have considered by the committee. Overall the level of public consultation by DIER in processing that matter is appropriate. Mind you, I can remember as minister in 1995 actually walking a proposed route for the Brighton bypass. It had changed to some extent but not hugely. Overall the committee does ensure that there is a point of accountability to ensure good consultation by departmental processes so that the public interest is taken into account. They are conscious that the Public Works Committee will certainly ask the questions if they have not already been addressed. More recently, the quality of departmental submissions have significantly improved in detail than were sometimes brought forward in the past and of which we have been quite critical. That has delayed projects because we have asked for much better information to be provided. More recently it has been excellent.

I commend the bill to the House.