



# **PARLIAMENT OF TASMANIA**

## **TRANSCRIPT**

### **LEGISLATIVE COUNCIL**

### **ESTIMATES COMMITTEE A**

Hon. Roger Jaensch MP

**Thursday 9 September 2021**

### **MEMBERS**

Hon Nick Duigan MLC  
Hon Ruth Forrest MLC (Chair)  
Hon Mike Gaffney MLC  
Hon Sarah Lovell MLC  
Hon Dr Bastian Seidel MLC (Deputy Chair)  
Hon Meg Webb MLC

## **IN ATTENDANCE**

**Hon. Roger Jaensch MP**, Minister for State Growth; Minister for Environment; Minister for Local Government and Planning; Minister for Aboriginal Affairs; Minister for Heritage

### **Ministerial Office**

Anthony Reid – Chief of Staff  
Nic Waldron – State Growth Adviser  
David Tilley – Local Government Adviser  
David Palmer – Planning Adviser  
Alice Clayton – Environment Adviser  
Lauryn Smith – Aboriginal Affairs Adviser  
*Kate Keenan – Heritage Adviser (TBC)*

### **Department of State Growth**

Kim Evans – Secretary  
Mark Bowles – Deputy Secretary, Business and Jobs  
Andrew Smythe – Senior Director Commercial and Agribusiness Finance  
Renee Woodhouse – Director Global Education and Migration  
John Perry – Coordinator General  
Brett Stewart – Deputy Secretary, Resources, Strategy and Policy  
Anne Beach – General Manager, Strategy, Policy and Coordination

### **Department of Premier and Cabinet – Local Government**

Jenny Gale – Secretary  
Craig Limkin – Deputy Secretary, Policy and Intergovernmental Relations  
Michael Mogridge – Acting Director, Policy and Sector Performance  
Mathew Healey – Director, Review and Evaluation

### **Department of Justice - Planning**

Kerrie Crowder – Acting Deputy Secretary, Corporate, Strategy and Policy  
Brian Risby – Director, Planning Policy Unit  
John Ramsay – Executive Commissioner, Tasmanian Planning Commission  
Jarrod Bryan – Principal Registrar, Resource Management and Planning Appeals Tribunal

### **Department of Communities – Aboriginal Affairs**

Michael Pervan – Secretary  
Mellissa Gray – Executive Director, Standards and Performance  
Brett Noble – Manager, Office of Aboriginal Affairs  
Rod Fazackerley – Manager, Budget Management  
Alex Schouten – Director, Office of the Secretary

### **Department of Primary Industries, Parks, Water and Environment**

Tim Baker – Secretary  
Louise Wilson – Deputy Secretary  
Danielle Harris – Director, Portfolio Services  
Adrian Pearce – Manager, Finance

**Environment**

Wes Ford – Director, Environment Protection Authority Tasmania

Martin Read – General Manager, Natural and Cultural Heritage

Darryl Cook – Manager, Waste Initiatives

Rachel Alderman – Manager, Threatened Species and Conservation Programs

Andrew Crane – Manager, Policy Advice and Regulatory Services

**Aboriginal Heritage**

Martin Read – General Manager, Natural and Cultural Heritage

Steve Gall – Director, Aboriginal Heritage Tasmania

**Heritage**

Stuart Fletcher – General Manager, Lands Tasmania

Esther Guerzoni – Projects, Strategic Projects and Policy

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**The Committee met at 9.01 a.m.**

**CHAIR** - Welcome, minister. It's a nice day for us; we've had a longer week than you, just so you know. I invite you to introduce the members of your team at the table then make an opening statement. I assume you will just speak to State Growth in the first instance.

**Mr JAENSCH** - Yes, State Growth in total.

## **DIVISION 11**

(Department of State Growth)

**Mr JAENSCH** - Thank you, Chair; thank you members. At the table with me I welcome the deputy secretary of State Growth, Business and Jobs, Mark Bowles, and our Coordinator-General, John Perry.

**CHAIR** - In terms of logistics, we are going to do this part of your portfolio from now until about 10.45 a.m. and then go onto Local Government and Planning, and have a break at some time either during or after that first part.

**Mr JAENSCH** - Thank you. I am very honoured to serve the people of Tasmania as their Minister for State Growth. To secure Tasmania's future, we must have a strong economy and the Tasmanian Government recognises the important role that businesses and our key sectors play in the Tasmanian economy, and continue to play in our COVID-19 recovery.

The 2021-22 Budget provides funding to support a range of financial assistance programs and services to Tasmanian businesses to support industry development and economic growth in Tasmania. We have provided a further \$10 million during 2021-22, on top of the existing \$10 million, to boost the Building Projects Support Program to help even more projects get off the ground in a COVID-19 environment, support jobs and investment in our local economy, and provide a future pipeline of work for the Tasmanian construction sector.

Further support for business and industries has been provided through the allocation of funding to support the delivery of various loan-funding initiatives, including: the \$30 million Building Construction Support Loan Program; a \$100 million interest-free loan to assist Incat to construct a large high-speed vessel, securing a local workforce but also additional employees, apprentices and local supply chains; a \$600 000 interest-free loan to PFG Group to construct an 11-metre HDPE vessel prototype to showcase its capabilities and help secure defence contracts; and a \$50 million interest-free Tourism Development Loan Scheme to assist industry to improve and enhance their product during this time, and prepare us for our borders reopening.

There has been \$834 000 allocated over three years to continue the Enterprise Innovation Hubs in Hobart and Launceston, providing certainty to the start-up community through to 2025, with a further \$500 000 to enable Enterprise to extend to and operate from the north west coast for the next four years.

Our economy was in a strong position before COVID-19. We were continually rated as one of, if not the best performing state across most key indicators. This has not changed.

Looking forward, one of the most significant tasks any government can take is attracting new investment, which means new businesses, new money and new jobs. Through the Office of the Coordinator-General we saw more than \$382 million in investment facilitated across the state last financial year, which brings the total of investment facilitated since 2015-16 to over \$2.5 billion. The office is currently working to progress over \$5.3 billion in investment. Fully realised, these projects would create over 3600 full-time equivalent jobs. Through the Office of the Coordinator-General, we continue to oversee the Launceston City Deal, which is now a 10-year commitment between the Australian Government, the Tasmanian Government and the City of Launceston. This will deliver a coordinated approach for planning, policy reform and leveraging infrastructure investment in Launceston.

Both the Office of the Coordinator-General and the department continue to work closely with the Tasmania Development and Resources Board, which has overseen a range of financial assistance packages to support businesses to recover and grow. The board comprises a group of highly talented and experienced directors. In my short time so far as minister, I have particularly appreciated their independent and strategic advice. I thank them for their service.

Tasmanians clearly trust this Government to secure Tasmania's future and deliver our plan. The initiatives delivered through the State Growth portfolio in this Budget are a great example of how we are supporting real jobs and economic activity across our state.

**CHAIR** - Meg, the overview questions, you probably need to ask them here.

**Ms WEBB** - Thank you. These are some overview questions I've been asking of each department that has come before us, minister, and this one has been put there for State Growth.

Firstly, in terms of the Government's Diversity and Inclusion Framework 2017-20, what have been your department's activities under that strategy in the recent years? And what are the plans to continue those activities into the future now that the framework has finished?

**Mr JAENSCH** - I will ask Mr Bowles if he's prepared to speak to this as an agency culture and people management matter.

**Mr BOWLES** - Through the minister, the department has supported several key activities during the period.

This includes:

- actively recruiting for diversity to increase our youth demographic through participation in the 2020-21 whole-of-government Graduate Development Program, with nine graduates commencing in the reporting period, as well as continued participation in the school-based traineeship program, with one trainee completing their qualification in the reporting period and one due for completion in December 2021;
- commencing implementation of the Our Watch respect standards, completing the self-assessment process, which includes two employee workshops and an employee survey to establish baseline self-assessment data;

- supporting several initiatives in the Tasmanian State Service Aboriginal Employment Strategy, including increased adoption of Welcome/Acknowledgment to Country guidelines and protocols, promoting the Aboriginal Employment Portal and support through the Aboriginal Employees Network, and cultural awareness training, and promotion of NAIDOC Week, including support for the livestreamed events;
- continueing to review and improve our flexible working provisions, including supporting hybrid working arrangements to support underrepresented groups manage their life and work balance. The COVID period was an impetus for the agency to radically take up more flexible working arrangements to support employees during that period; and
- developing the department's draft 2021-23 Diversity, Equity and Inclusion Strategy and Action Plan, with actions in the first 12 months derived from staff consultation, recommendations from the Our Watch self-assessment process, as well as inclusion of initiatives that the agencies already undertake.

There is further I could go through if you have particular areas of interest.

**Ms WEBB** - That sounds like a good overview. Do you have an idea about what proportion of your workforce is liking flexible work arrangements?

**Mr BOWLES** - I would have to take some advice on that.

**Mr JAENSCH** - In that question, do you make a distinction between flexible working arrangements generally and particular arrangements made under COVID-19 for, say, working from home?

**Ms WEBB** - I was doing that because what I took from the answer just a moment ago was that although COVID-19 had provided even more impetus to look at flexible work arrangements to cope with COVID-19, it had probably also contributed to that arrangement more broadly within the department for normal circumstances.

**Mr BOWLES** - That is correct. A lot more people began flexible working arrangements during COVID-19. Following that period staff did start to come back into the office, but establishing their own balance in consultation with their managers. Our policy is that staff can come to their own flexible arrangement in line with their duties and the agreement of their manager.

**Ms WEBB** - It will be interesting to compare that to before COVID-19. My next question is about the department's RTI performance and resourcing. The 2019-20 report on the RTI showed that 52 RTI requests were received by the department in that period and 35 were determined either full or in part. Of those 35, 19 took more than the 20 working days legislated. Can you provide an update on the 2020-21 financial year for the number of RTI requests, the number that were determined and the number that were outside the 20 working days?

**Mr BOWLES** - In 2020-21 the department dealt with 46 applications for assessed disclosure compared to 56 the previous financial year. The department received 30 applications

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relating to transport and infrastructure including, Infrastructure Tasmania, five applications relating to resources strategy and policy, four applications relating to business and jobs, three applications relating to cultural and tourism development and two applications relating to business services. They're the core divisions in State Growth. Finally, there was one application relating to the work of the Office of the Coordinator-General.

**Ms WEBB** - How many were determined and how many were outside of the 20 working days?

**Mr BOWLES** - There were 61 per cent completed on time, 39 per cent delayed and zero outstanding. The timeframe for delays in 2021 was 50 per cent were under 10 days, 22 per cent were under 20 days and 28 per cent were over 20 days. Total days delayed was 18.

**Ms WEBB** - In terms of the resourcing around the RTI responsibilities, what number of FTE staff allocated to that area and what resourcing is in place around training or updating of training?

**Mr JAENSCH** - Introducing Mandy Russell, deputy secretary of Business Services.

**Ms RUSSELL** - A number of delegated officers work on RTI alongside their other duties in the department. Our training and resources allocation is part of our departmental budget for the last financial year. We have just completed a significant online training programme in RTI and 97 per cent of all departmental employees completed the module. It was developed to raise awareness and understanding of RTI obligations and promote how we go about RTIs as an essential part of our work in the community. That has been followed by RTI training sessions and face-to-face sessions across all the divisions of the department. This has been done with 14 business units covering about 125 employees. RTI is a focus for the executive and for the department.

**Ms WEBB** - Congratulations to the department for undergoing that comprehensive RTI training across all staff. It sounds positive. It could be a good example for other departments.

Minister, from last year's budget papers we had a list of recommendations from the PESRAC interim report that were allocated to various agencies to be the lead agency. I am interested in an update from your department on those interim report recommendations that were allocated to the Department of State Growth and whether they are in progress, completed and a status update and also any recommendations from the subsequent final report recommendations that are your responsibility of your department?

Ones that are in progress may be covered within this Budget and therefore in line items we will discuss.

**Mr JAENSCH** - The Department of State Growth is a large and many-headed beast. Across the 52 recommendations of the final report that we have accepted there are a wide range that have been allocated to State Growth as lead agency. We have a breakdown which includes those which the Office of the Coordinator-General is responsible for.

**CHAIR** - Maybe we could deal with it as under 1.1 then, Meg?

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**Mr JAENSCH** - We will also have a range under State Growth. I don't know what is the best way of breaking this down as there are quite a large number.

**Ms WEBB** - Can you table it for us?

**Mr JAENSCH** - Let me check. If it helps we could take that on notice and then we can extract and provide a version that carves out my direct portfolio responsibilities and the status of the progress on these initiatives.

**Ms WEBB** - That would be fine thank you. Do you think we will get that back today or will we need to send it to you as a question on notice?

**Mr JAENSCH** - We will attempt to bring that back for this session today.

**CHAIR** - Before we go into 1.1, this is across your whole responsibilities in State Growth. How many staff are in the areas that you are responsible for?

**Mr JAENSCH** - I will ask Mr Bowles to present that.

**Mr BOWLES** - The subtotal of staff head count for the Minister for State Growth is 234, employed FTEs is 220. Within that there are 18 in the Office of the Coordinator-General and the remainder are State Growth. I can break that down further by division.

**CHAIR** - I'd like a gender breakdown. I will come to that in a minute. Minister, how many on the board you referred to in your opening comments? Can you list the names of who is on that board? Does this sit under any particular line or is this in overarching areas of your responsibility?

**Mr JAENSCH** - TDR board is established under legislation, and sits under my responsibilities as the Minister for State Growth.

**CHAIR** - Does it sit under 1.1 or 1.2? I am trying to put it into a line item if I can.

**Mr JAENSCH** - Line item 1.2.

**CHAIR** - We will come to it there then.

**Mr JAENSCH** - Okay. Maybe we can make sure that we have names and that breakdown of the profile of the TDR Board for 1.2, when we get there.

**CHAIR** - Leave it for now, we'll come to it then. I would prefer to have our questions under a line item for our reporting process. No other overview ones that don't fit? We'll go to output group one.



## **Output Group 1**

### **Industry, Skills Development and Business Growth**

#### **1.1 Office of the Coordinator-General**

**Mr DUIGAN** - This question relates to the Office of the Coordinator-General. You did touch on this in your opening remarks, but perhaps you could update the Committee on how the Office of the Coordinator-General is working to attract and facilitate strong levels of investment in Tasmania?

**Mr JAENSCH** - Thank you, Mr Duigan, I'd be very happy to do that. Throughout 2020-21, the Office of the Coordinator-General continued its important work as the principal entity for attracting and supporting investment across the state. It's a fundamental part of our Government's agenda of promoting and developing Tasmania's attractiveness for investment, pitching for and securing investment projects and creating jobs.

The office undertakes a wide range of activities to deliver on its investment attraction mission, including: identifying, supporting and engaging with investors; working directly with investors to provide a tailored, professional case management service; assisting with the development and promotion of investment-ready opportunities and sites; and organising, promoting and participating in investment missions and coordinating and supporting inward delegations.

Last financial year, the office facilitated more than \$382 million of investment across the state, exceeding its target of \$300 million. This brings the total investment facilitated since 2015-16 to more than \$2.5 billion. The Office of the Coordinator-General is currently working to progress a pipeline of approximately \$5 billion of potential investment projects across sectors, including mining, mineral processing, agribusiness, food processing, manufacturing, renewable energy including green hydrogen, the knowledge and digital economies, and forestry. Fully realised, these projects would create more than 3600 full-time equivalent jobs.

The office also works closely with the Tasmania Development and Resources Board for those projects seeking funding support. It works with proponents to present opportunities to the TDR Board for its consideration and potential support through commercial loans, driving business growth.

An example was the facilitation of a \$10 million commercial loan through the board last year for Tasmanian Alkaloids for a medicinal cannabis project. The loan enabled the company to overcome capital constraints that existed at the time and accelerated its medicinal cannabis project and, in turn, its goal to become the largest fully commercial and licensed operation in Australia. This \$12 million project has already created 11 new jobs, as well as approximately 20 indirect jobs and sets the scene for exciting growth opportunities in the future.

The longer-term effect that COVID-19 will have on global investment capital flows is still difficult to predict, but beyond the current situation there is every reason to be optimistic about a robust recovery. Prospects for Tasmania's growth remain very strong.

We went into COVID-19 in a strong position and we are coming into our recovery in a strong position but we cannot stop now. We are going to need to keep supporting business confidence. We are going to need to keep competing internationally for the sort of investment

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we've seen over the last few years to keep Tasmania ahead of the pack and secure Tasmania's future.

**Mr DUIGAN** - Thank you. I have a particular interest in the investments being delivered through the Launceston City Deal. I would be interested if you could give us an update on that.

**Mr JAENSCH** - Thank you. The city deal for Launceston was signed by the Premier, the Prime Minister and the Mayor of Launceston in April 2017. The Office of the Coordinator-General has responsibility for facilitating it and the implementation of the city deal across a range of players. Again, the strength of the Coordinator-General role is that ability to boundary-ride large and complex projects with many players.

The vision of the deal is to make Launceston Australia's most liveable and innovative regional city, with growing incomes and falling levels of disadvantage. It is now a 10-year commitment between the Tasmanian and Australian governments and the City of Launceston.

Currently, more than \$0.5 billion, including private sector investment, and \$126 million from the Tasmanian Government has been directed to the city deal for various commitments across the three levels of government.

The third annual progress report for the city deal was released on 30 September last year and demonstrated that had been working well across the three levels of government and was delivering good results for the city. They are currently drafting their fourth annual progress report which was due to be released later this month. A three-year review of the city deal has also recently been completed and is currently being finalised for public release.

Key projects in the city deal include the University of Tasmania relocation to Inveresk, the Launceston City Heart project, the Tamar Estuary River Health Action Plan and the Northern Suburbs Revitalisation. Redevelopment of Inveresk is one of the largest infrastructure investments ever in Launceston's history. The UTAS redevelopment is now a \$283 million project that includes relocation of the Launceston campus to Inveresk, strengthening the future of the AMC at Newnham, establishing Launceston as the home of the Tasmanian Institute of Agriculture and increasing student accommodation at the Inveresk campus and within the Launceston CBD.

Construction commenced on the Inveresk campus in January and development applications have been submitted for all buildings associated with the Inveresk campus. As I said before, the Coordinator-General has responsibility for facilitating the overall implementation of the city deal and the Coordinator-General is the co-chair of the executive board which oversees all that. So a lot has been achieved since 2017 and it is a longer-term and larger investment than it was when we first signed the deal and we look forward to it having great impacts on Launceston and surrounds, as I am sure you are too.

**CHAIR** - You talked about the investment facilitated by the Office of the Coordinator-General exceeding the target of \$300 million. I have always struggled to understand how this is exactly measured. Could you tell me how it is measured and what made up the \$382 million; is that what you said?

**Mr JAENSCH** - Yes.

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**CHAIR** - I would appreciate a breakdown of that \$382 million to describe what investments are being facilitated and how it is measured?

**Mr JAENSCH** - Mr Perry, do you want to give us an overview of the list of projects and how that value is totalled, both state and other?

**Mr PERRY** - The recording of investment attracted occurs depending on the role that the Office of the Coordinator-General plays -

**CHAIR** - It says investment facilitated, not attracted. I think we are talking about two different things if we talk about attraction as opposed to facilitation, are we not?

**Mr JAENSCH** - Why?

**CHAIR** - Attraction is saying come, come, come to Tasmania; facilitation is when you have got something that you can measure?

**Mr JAENSCH** - I do not think we count it until it is real. We can say come, come, come but until the investment is secured -

**CHAIR** - So it is more than just attraction?

**Mr PERRY** - Exactly. It is attraction and then to land the project. You count a project depending on the role that the Office of the Coordinator-General has played. Where it relates to providing some sort of financial assistance, which is through the Tasmanian Development Board as the minister outlined, then it is upon public announcement or the signing of the grant deed or the loan deed, whichever is the case. Where there has not been a role in relation to financing, it is where a DA is achieved or where there has been other funding supplied into it.

To give you an example of how that played out for the previous year, funding was attracted and landed in relation to the Launceston City Deal. A number of different projects through that year have had grant deeds signed with the federal government so the money has been locked in.

**CHAIR** - How does the Office of the Coordinator-General claim success here though? Is it one meeting with them? I am trying to understand how we can claim a measure such as this? I am not disputing it, just trying to understand how you measure it and what validity is behind the numbers.

**Mr PERRY** - They are all projects that we've been heavily engaged with. If you look at the example in relation to the Launceston City Deal, one of them is in relation to the refurbishment of Albert Hall. We commissioned some work on the Albert Hall and re-imagining the Albert Hall in partnership with the Launceston City Council and we led that project. There is also money attracted in relation to Smart Cities. We coordinated the project across the eight partners, lodged and wrote the bid for the funding.

**CHAIR** - That was federal funding.

**Mr PERRY** - Multiple partners. The federal government put money in, but so did a range of different partners. There was also additional money that was spent in relation to the

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UTAS project. Originally, it was a \$260 million project and subsequently all the DAs have been lodged and approved and it is a \$283 million project. The additional uplift is calculated at the time when the DAs are approved and the figures are known.

**CHAIR** - I would like a list of the projects this number adds up to as well, to follow up on this.

**Mr JAENSCH** - We do have that. Amongst those are projects there is probably some commercial sensitivity to them.

**Mr PERRY** - I can run -

**Mr JAENSCH** - A subset of those. Can you run through the ones we can talk about?

**Mr PERRY** - Sure. Other projects - one which is not public we are working with is a medical research organisation. We provided approval in relation to finance for that particular organisation and they have progressed with their project.

**CHAIR** - For a grant or for a loan?

**Mr PERRY** - It was for a loan, but the loan ultimately was not taken up by the organisation because the provision from the loan from the TD board was sufficient for them to get commercial funding.

**CHAIR** - All right.

**Mr JAENSCH** - There are quite a few we are freer to talk about and identify - projects that people would recognise. Maybe there are some there that we could run through.

**Mr PERRY** - I could, yes. For example, Hermal Group, the overall project is a \$190-odd million, but we have only counted \$13 million which is the money expended during the year in relation to Hermal. We also included the purchase of Temco by Liberty. That figure is not publicly known but is included in the figures here.

**CHAIR** - The full purchase price? I am not asking what it is, just what was included?

**Mr PERRY** - Yes. Normally, we do not get involved in simple asset sales transactions - we leave that to real estate agents or agents - but in that particular case, because the organisation, South32, had said they were going to close if they could not find an alternative arrangement, we then actively looked for an alternative purchaser and so we included the value of that. Then there is an uplift in relation to EOIs.

The DA was approved in relation to the GPH Hotel in Launceston, which had been a project we have been working with the proponents on for about four years. That went to appeal and then the DA was approved during the last financial year. A couple of other tourism developments have had DAs approved on them. Also, a DA approved for a hospital in Hobart and some additional work - we worked with a private company in relation to a data centre and the investment they made during that period is also included.

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**Mr JAENSCH** - There is a range of public and private investments tied up in these but the Tasmanian Alkaloids example I used before, from our corner of the world, Dutch Mill, Hermal, Patriarch and Sons - those projects that have tens of millions of dollars tied up in them, very important to our economy. They are projects we've been able to use the outward-looking investment attraction and brokering role of the Office of the Coordinator-General to land. Importantly, and I mentioned this in our hearing yesterday, the Coordinator-General has no powers to bind the Government. It doesn't have millions of dollars of taxpayer money to spend. But in terms of getting a deal to a point where it can be presented to the TDR board, to Government -

**CHAIR** - Or indeed to their other funders, by the sound of it.

**Mr JAENSCH** - Helping to put together those deals, particularly where we've got money that could go anywhere. This is the example with companies like Tasmanian Alkaloids and some of our major industrials. They may be under foreign ownership of a large global network of companies and those companies could spend their money anywhere. From time to time, the Coordinator-General, as well as the rest of our Department of State Growth, work to put together a deal that can secure that investment for Tasmania, instead of it going to Canada, or to one of the other arms of those businesses elsewhere. I think the Tas Alkaloids was one of those.

We're competing globally for investment particularly as the whole world is looking to economic recovery after the body hits the global economy has taken, and every jurisdiction would have felt this. There is going to be intense competition for the available investment that's out there and we're going to need to be punching above our weight to get it down to this island at the bottom of the world. That's where the Coordinator-General's -

**CHAIR** - There is a lot of money out there. There's no two ways about that.

**Mr JAENSCH** - Absolutely.

**CHAIR** - Couple of other things, and then I'll come to Meg. The actual appropriation for this line item, there's a footnote talking about the Launceston, or northern cities project falling away. I'm interested in the Budget, for the appropriation for \$2 704 000, what's the breakdown of the budget in terms of staffing and other - what's the money there for? Clearly, it's not all to pay Mr Perry?

**Mr PERRY** - Roughly speaking, there's a recurrent funding for the office of \$2.5 million -

**CHAIR** - That funds you and your staff?

**Mr PERRY** - Yes, and that's broadly. Then there are some other specific projects. For the coming year, there's \$20 million expected to be deployed in relation to the northern cities and, specifically the Launceston City Deal project. The grant deed we have with the university has a number of different milestones that need to be achieved for payments to be made. Funding also comes through our budget that goes to the enterprise hubs, the start-up hubs in Launceston and Hobart. We also have some funding for a start-up accelerator. There are some other projects that need to be reallocated, so that makes up the whole piece, and there's some indexation there as well. For the forward year with indexation, then there's some money that

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was provided to Ms Webb's question around PESRAC, there were some forward budget allocations made in the last budget that enabled us to hire some additional staff for two and three years to address some of the PESRAC recommendations.

**CHAIR** - Minister, are you able to provide to the committee a table that outlines the expenditure by category for this year's Budget within the Office of the Coordinator-General?

**Mr JAENSCH** - Which categories?

**CHAIR** - Mr Perry talked about \$2.4 million for staff, the recurrent costs of running the office, then he has named a number of other projects. I'm wondering if you can provide a list, the expenses of those major projects with a dollar amount beside them?

**Mr JAENSCH** - I am wondering if there is not a budget on the table that would do that for us.

**CHAIR** - No, it's only high-level.

**Ms WEBB** - It is not in the budget papers but I read off a list you provided in Table 4.

**CHAIR** - I am asking for the numbers that sit alongside. We have a number alongside the operating of the office costs.

**Mr JAENSCH** - I am happy to take that on notice.

**CHAIR** - A breakdown of the expenses. I am clarifying the question with our side of the table so if we don't get it by the end of the session, we will write to you and the Coordinator-General's office.

**Mr JAENSCH** - The important thing to note in some of the figures talked about then, the Coordinator-General's office doesn't have control over a large part of the State Budget that it can allocate to things at will. When the Budget's made up, allocations under various programs are given to them to manage.

**CHAIR** - You have \$28.5 million in expenditure on the output group expense summary; \$2.4 million relates to the operating of the office. I am interested in the breakdown of the rest of it. I don't think it is an unreasonable question.

**Mr JAENSCH** - No. I am just clarifying. In past Estimates there has been quite a lot of interest in the role of the Coordinator-General and the powers and the authority to commit Government and government resources. I'm taking the opportunity to be quite clear, in my first State Growth Estimates, that the sorts of delegations and resources the office has are ones that are approved case by case by Government.

**CHAIR** - This is your Budget, minister.

**Mr JAENSCH** - Absolutely.

**Ms WEBB** - All we want is the detail.

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**CHAIR** - That is right. How much your Government decided to put in here? That is what I am asking.

**Mr JAENSCH** - I think we can provide that.

**CHAIR** - The 18 staff in the Office of the Coordinator-General, can you give me a breakdown of the gender of the workforce and the location, where they are based?

**Mr JAENSCH** - I don't have gender in my table in the papers. John, do you?

**Mr PERRY** - Of my direct reports, half are female and half are male. Of the total office of 18, there are 8 male and 10 female.

**CHAIR** - A very good gender balance. You have done well.

**Mr PERRY** - We are working to lift the males.

**CHAIR** - They have probably had a free run for a while. The geographic location of the staff? I know they get around the state, yourself included, but where are they based?

**Mr PERRY** - Half Launceston and half Hobart.

**CHAIR** - And you are based in Launceston?

**Mr PERRY** - I am based in Launceston. We are hiring for a number of staff so we are hiring for a position in Burnie and we are looking for a couple more positions in Launceston and also Hobart.

**CHAIR** - What is the purpose of the position in Burnie? To be only in an office on their own?

**Mr PERRY** - No, in the office with the Department of State Growth.

**CHAIR** - What is the purpose of that role?

**Mr PERRY** - Director for the north west, the investment attraction specifically located within the north west. We have had that role before and it is a vacancy we are hiring for.

**CHAIR** - There is no one filling that role at the moment?

**Mr PERRY** - No.

**Ms WEBB** - Regarding the Red Tape Reduction Coordinator role and the Red Tape Reduction Program, which I believe is based in or works through the Office of the Coordinator-General, can you detail the process by which potential red tape is identified and raised with that role then the process by which the potential red tape issue is acted upon?

**Mr JAENSCH** - I have only recently resumed responsibility for this but I was involved in earlier days when I was a parliamentary secretary and, as I understand it, the process hasn't changed. I will ask John to correct me if I am wrong. The nomination of issues seen as red

tape and needing to be resolved can come from anywhere. The person in the role of Red Tape Reduction Coordinator is also our Small Business Advocate. One of the roles of the advocate is to be in touch with business organisations and be a go-to person for small business that needs a bit of navigation, support and help, and sometimes for people to raise their red-tape reduction issues with. Stuart Clues, who is in that role, will be referred matters from offices like mine, from our constituents, directly from people who come to him and business organisations like chambers of commerce will be raising those sorts of issues with him. They can come from anywhere.

The process is defined by what the issue is. You will have seen in a couple of tranches of matters that have been brought to parliament for legislative reform, those have involved the Red Tape Reduction Coordinator working with relevant parts of government, like the Planning Policy Unit, CBOS, the Building and Construction portfolio people to bring about those changes. The ideas or needs can come from anywhere. The solutions will be whatever they need to be to deal with those issues.

**Ms WEBB** - Surely there is an assessment process in there to determine here's an issue that's come: is it one we act on or not, is it one we seek a solution for?

**Mr JAENSCH** - The issues that arise are so many and varied. First, there has to be, obviously, an assessment of whether there is a problem there that we can fix or if it's a matter of navigation. That's where the Small Business Advocate has been particularly valuable, because sometimes it's just a case of knowing where to go and how to coordinate through complex processes.

**Ms WEBB** - Yes, but I'm speaking about red-tape reduction issues raised. Is it the Red Tape Reduction Coordinator who makes the assessment of what issue that may have been raised with him will then be looked at to progress further or actioned for a solution of some sort? Does it sit with that role to make that assessment in the first instance?

**Mr JAENSCH** - We have a person there who can provide help straight away if it's within their scope to do so. When there's an issue that's going to require, maybe, change to legislation or the way the government works, it needs to be negotiated upwards through relevant departments.

**Ms WEBB** - Yes, and that's an assessment made by the coordinator, I'm assuming?

**Mr JAENSCH** - I will ask John if he can speak any more to the process by which we do that.

**Mr PERRY** - We take every suggestion or recommendation that comes through and then work with the relevant regulator or agency, or whatever is the appropriate party or parties. If it involves something that relates to their processes or, as the minister said, legislation, then it is the responsibility of that organisation to take it forward. You'll see in the red tape report that there is a responsible agency named, so they will take responsibility for that particular aspect, whatever the red tape issue is.

**Ms WEBB** - Briefly, in terms of the last financial year, how many matters around red tape issues or reduction issues were identified to that coordinator role and then actioned?



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**Mr JAENSCH** - There were 25 red tape priorities, of which 19 were new and six had been identified in prior years but were resolved in 2020.

The new report is a slightly new format. Previously, the report has been just cumulative since the beginning of the red tape project but for this year's audit report there are two reports: one is that cumulative number but the other one is for the last financial year.

**Ms WEBB** - Yes, an annual number.

**Mr JAENSCH** - Actually, 2020.

**Ms WEBB** - So, it's a calendar year, not a financial year.

**Mr JAENSCH** - Yes, I believe so; 2020 is the year that's used.

**Ms WEBB** - Is there a reason you made it a calendar year rather than a financial year, because other data comes to us in financial year periods and it can be hard to line things up? Would you consider switching it?

**Mr JAENSCH** - John, would you consider switching it?

**Mr PERRY** - I am sure there's a reason for that. We publish an annual report which we prefer to -

**Ms WEBB** - Annual financial year report, correct?

**Mr PERRY** - No, for red tape reduction issues we provide a calendar report so it's easier for people to compare over previous years.

**Ms WEBB** - You started that way so now you are locked in.

**Mr JAENSCH** - Sometimes we get criticised for being evasive if we change our reporting timeframes.

**CHAIR** - So the average punter out there understands calendar year better than financial year?

**Ms WEBB** - I don't think the reports are for the average punter.

**CHAIR** - Yes, they are. I think they are.

**Mr JAENSCH** - In interests of transparency they are.

**Ms WEBB** - They are for public disclosure. Who engages with them? I think it is likely to be interested stakeholders who would understand financial use.

**Mr JAENSCH** - The average stakeholder does care a lot about red tape. They're the ones who are frustrated.

**Ms WEBB** - Regarding the Tasmanian Regulatory Reform report which hasn't been provided to parliament, not even recommendations from it, is there a third tranche of regulatory changes, based on that report, to be introduced to parliament as a bill?

**Mr JAENSCH** - It is possible. We get our material for red tape reduction from wherever it arises. No one report is the sole source of wisdom on that. There are always emerging new opportunities or needs to resolve red tape issues. One I am interested in is how we make sure we get the full benefit of having a statewide planning scheme where the rules are the same everywhere.

**Ms WEBB** - We will come to that in planning, minister. Come back to my question perhaps.

**Mr JAENSCH** - I know, but I have asked the red tape reduction coordinator and team to focus on how we ensure that local government and the people who use our planning system are getting the benefit out of having a uniform state-wide planning scheme and what we might introduce in the process to ensure that we maximise the benefit from that.

**Ms WEBB** - Back to the question if you would like me to restate it for you. It was, is there an expected bill to come to parliament that is a third tranche of regulatory changes based on that Tasmanian regulatory reform report?

**Mr JAENSCH** - There will be more omnibus red tape bills brought. They may be informed by the report you refer to but also by other things.

**Ms WEBB** - Why, when parliament will be expected to debate legislation on regulatory changes that the Government wants to bring about, were we not provided with this report which is going to be the basis for some of the things in those bills that we contemplate? That would be an evidence-based way for us to be able to look at those pieces of legislation?

**Mr JAENSCH** - As with any bill that we bring we need to be able to make the case for why we are doing it. That is why we have a public consultation process, that is why we have our debates in parliament and briefings for members prior to those debates. We will do that again. Issues can arise from anywhere. Sometimes there is a matter raised in a report and the method of resolving that might not have been what some stakeholder had raised through a consultation process, it might be something completely different. Therefore that issue is real but the way of dealing with it is something we have had to work on since then.

**Ms WEBB** - That would be the case in the development of most policy that comes through as legislation. Why haven't you released that Tasmanian regulatory reform report? If, for example, you are taking a different direction to things that are in it then you are able to explain and defend that, but we have had that piece of work in the public domain for everyone to understand and examine.

**Mr JAENSCH** - Anything that leads to changing legislation goes through a very public process. We need to say, 'Here is a matter, here is our response to it. This is the change to legislation that is required to make it happen.' We present that, argue our case, answer questions, debate it in parliament. Where those matters come from can be anywhere.

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**Ms WEBB** - Sure. That aside, taxpayer money would have paid for this Tasmanian regulatory reform report. It is not in the public domain. Why is it not in the public domain?

**Mr JAENSCH** - There was a report that was commissioned some time ago. It sought the views of a range of people on a broad range of topics. None of them are Government policy matters but may have bearing on Government policy in the future and so they are part of the material that Government uses to determine where it should put its efforts in addressing issues like red tape and process reform. We take our advice from many sources. Sources that are public and not public.

**Ms WEBB** - Why is the report not in the public domain?

**Mr JAENSCH** - It comes from the public domain, it is what people have told us.

**Ms WEBB** - Why is the report not in the public domain, minister? What is the technical reason you are able to provide and justify that that report is not in the public domain?

**Mr JAENSCH** - That was information that was commissioned for use by the Government to ensure that we are delivering efficient public services and processes and -

**CHAIR** - Let us cut to the chase, why is it not public?

**Ms WEBB** - On what basis is it not public?

**Mr JAENSCH** - Anything that we act on as a result of that report or other sources is public and we will make our case for change.

**Ms WEBB** - What is your reason for not putting that report in the public domain?

**Mr JAENSCH** - It is a matter of information that was provided to the Government and to Cabinet for consideration of its policy directions.

**Ms WEBB** - Are you claiming that it is cabinet-in-confidence?

**Mr JAENSCH** - Yes, it is.

**Ms WEBB** - That's what you are claiming, that the report is cabinet-in-confidence?

**Mr JAENSCH** - I believe it is, yes.

**Ms WEBB** - Is that right? That is very interesting.

**Dr SEIDEL** - Minister, you believe it is cabinet-in-confidence, therefore you are not going to release the report?

**Mr JAENSCH** - It is an internal Government information document. It is an internal deliberative resource.

**CHAIR** - That would not attract Cabinet confidentiality surely?

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**Mr JAENSCH** - The Government commissioned that information for its red tape reduction agenda, it sought a range of views. Anything that we have chosen to change laws for or to change the operations and business of government, we bring through this fully public process in parliament.

**Ms WEBB** - Can I have one more thing on that?

**CHAIR** - I was going to try and cut to the chase.

**Ms WEBB** - Yes, I have got a way of doing that. If I RTI this document, minister, and it is refused, what will be the legal basis for the RTI refusal of this document?

**Mr JAENSCH** - I do not decide on RTI requests. That is all a delegated process.

**CHAIR** - I have another way of cutting to the chase. Would you provide that report to this committee? We are a parliamentary committee, we have the powers of a parliamentary committee. You would understand what they are. If you are not sure, you can go and read our production documents report. It is very extensive and make it very clear what we are talking about here. Will you provide to this committee a copy of this report?

**Mr JAENSCH** - My understanding is that the document is cabinet-in-confidence and I am not the RTI officer -

**CHAIR** - No, we are not talking about RTI. We are not subject to RTI. This is a parliamentary committee; RTI has no application to us. I do not want you to mention RTI when you are addressing my question. Will you provide a copy of this report to this committee?

**Mr JAENSCH** - I advised that the report is cabinet-in-confidence. If you want to ask if your jurisdiction allows you to require that report to be tabled, I would need to take advice on that.

**CHAIR** - You're making a claim that this document is cabinet-in-confidence. How is it cabinet-in-confidence? On what basis do you make that claim that this document meets the cabinet-in-confidence requirements?

**Mr JAENSCH** - I will take that question on notice.

**Dr SEIDEL** - If it's not cabinet-in-confidence, are you then willing to table the report to this Committee if it's not cabinet-in-confidence?

**Mr JAENSCH** - My advice is this is a cabinet-in-confidence document. I'm not free to share it with you. I can assure the Committee and the public that anything in that document or any other source document or proposal that has been before government that results in any change to the way the government operates or the way our legislation operates must come through the full public and parliamentary process.

**CHAIR** - No, that's not the question that you're being asked, minister. The question you're being asked is on what basis do you claim this to be a cabinet document that attracts the immunity of a cabinet-in-confidence document?

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**Mr JAENSCH** - In order to give you a correct answer, I will take that on notice.

**Ms WEBB** - Perhaps then the best way to progress this is to formally request, as a Committee -

**CHAIR** - Which I have, yes.

**Ms WEBB** - that this document is provided. That formal request has been made so the minister will have to respond to the formal request.

**CHAIR** - There is a formal request before you, minister, to provide that document to the Committee.

**Mr JAENSCH** - Is that a request you just made here and now?

**CHAIR** - Yes.

**Ms WEBB** - Indeed.

**Mr JAENSCH** - Okay.

**CHAIR** - We will put that to you in writing and, depending on the answer you provide - obviously, if you provide a document, the item will close. If you don't, there will be further debate in the Chamber about this matter. You will need to clearly justify to this committee and to the parliament why this document that we're referring to attracts that immunity because to date you haven't in any way, shape or form.

I take you to the Production of Documents Committee Report for your information to understand what we're talking about here, with all due respect.

**Mr JAENSCH** - Okay. Yes.

**Ms WEBB** - Minister, on page 348 in the Performance Indicators, table 11.3, it includes the investment facilitated by the Office of the Coordinator-General for which the footnote 3 states that the unit of measure includes investment where the Office of the Coordinator-General has directly engaged with an entity to promote identification and navigation and engagement in Tasmania and/or, amongst other activities. I quote this bit, 'provided recommendations to government resulting in financial or other support to a project'.

Can you detail the entities or projects for which the Coordinator-General's office provided recommendations to state government and which then resulted in financial or other support from the state government?

**CHAIR** - Are they different to the ones that I asked for?

**Ms WEBB** - It may not be identified in that list that we've already asked for. I'm specifically interested in that particular function where the office has recommended to government that financial support is provided and it has been.

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**Mr JAENSCH** - As I mentioned in my overview statement at the beginning, the department and its various parts, many of which we have in this room, including the Office of the Coordinator-General will routinely be involved in identifying opportunities or receiving inquiries from developers, investors, those seeking support from the Government in various ways. The department and the Coordinator-General have no powers to commit the government financially.

**Ms WEBB** - No, that's not my question, minister.

**Mr JAENSCH** - I'm coming by way of explanation. Therefore, in those cases, the Coordinator-General and the department will have roles in the due diligence and the scoping of options for government to consider in supporting those projects. That's what I think that statement refers to. Are you asking for a list of projects which I think goes back to -

**Ms WEBB** - No, it doesn't. It's a different question to the previous list we asked for. I am specifically interested in the way it is described here, is that there are instances in which the Office of the Coordinator-General provides recommendations to government resulting in financial or other support to a project. I want the list of the occasions when that has occurred in the last financial year, when a recommendation from the office to government has resulted in government funding to a project or an entity. That appears to be what is described as a potential activity of this office.

**CHAIR** - You might clarify, perhaps, that the recommendations to government are separate to the TDR board. How do we classify what 'government' is here?

**Mr JAENSCH** - They're both included. Recommendations to the Government, if those are recommendations for a loan, typically, they go through the TDR board process.

**Ms WEBB** - Resulting in financial or other support to a project, yes.

**Mr JAENSCH** - Yes. How would that list differ from the one we talked about?

**Ms WEBB** - The list we asked for previously was looking at your list of expenses for the Office of the Coordinator-General.

**CHAIR** - No, I asked about this earlier, to go through the validation of the money that is allocated to that line item, the projects to which the office had an engagement.

**Ms WEBB** - My understanding of that money is the expenses of the office.

**CHAIR** - No, that is a different question. I asked a question earlier, very similar to what you are asking.

**Mr JAENSCH** - Yes, about that facilitation.

**Ms WEBB** - From your list, will we see a list of projects and entities -

**CHAIR** - No, Mr Perry read through the list. It is on *Hansard*.

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**Ms WEBB** - My understanding of that list that was read through earlier is it related to projects that were funded from a range of sources, not just from the state government. I am interested in a discrete list or a clear indication of where that resulted in state government funding or support on the list we asked for earlier.

**Mr PERRY** - In relation to this list, the projects we specifically put something to the Tasmanian Government, as opposed to others, with recommendation for support, there is the one project I mentioned that we provided an offer of a loan, which was not taken up. We also provided a recommendation to government in relation to the Temco purchase and that was in relation to stamp duty. There is already on record the support - and this wasn't this financial year - that was recommended to Government in relation to Hermal. There are no others on this list we have provided.

**Ms WEBB** - That is the total. Thank you. Minister, as we have talked about today, the Office of the Coordinator-General has facilitated investment worth a considerable amount of money, over \$382 million in the last financial year by your report, and made recommendations to government that have resulted in financial support from the state government. I am sure you would agree, that kind of considerable investment and the potential ramifications of that requires utmost probity, due diligence, in order to maintain the public and business confidence that there is a level playing field in operation here.

Can you please provide a list of the private sector entities and/or individuals, which would also include NGOs, whom the Coordinator-General has met with in the last financial year? Included in that list, I would be interested to have identified any lobbyists registered with either the federal Lobbyist Register or the Tasmanian Register of Lobbyists.

**Mr JAENSCH** - I will take some advice on that.

Sorry for that delay. I am advised that a large number of organisations or individuals who approach the Government, or the Office of the Coordinator-General directly, to talk about their possible investments here, do so on the understanding of confidentiality. For those discussions, the due diligence around the proposals that they are presenting, and advice or information that they provide around their proposals, is handled under a confidential guise. And you understand why.

**Ms WEBB** - You understand that I am not asking for that.

**Mr JAENSCH** - Absolutely. I am setting that frame. I would go back to my comment that the Coordinator-General does not have powers to bind the Government in any way to give money, give land, create tax relief, or anything like that. That would be the stuff of recommendations to the TDR board, the minister, the Government, in different forms, and that then transfers into a process where there is an established reporting and transparency arrangement.

**Ms WEBB** - So, you are saying you are not providing what I have requested?

**Mr JAENSCH** - No, I won't be able to provide you with a list of all the people the Office of the Coordinator-General had meetings and discussions with. I believe that has been requested and not provided before on the basis of those commercial confidentiality matters.

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If we were routinely releasing that information, there may be people who wouldn't do business here at all because they have intellectual property tied up in it, and there might be competitors with each other who are talking to us. We need to be able to not release information about one to the other.

**Ms WEBB** - I am not asking for the release of information, other than the list. I am mindful that we need to move on, so I will leave that refusal as it is.

**CHAIR** - We will move to 1.1. This is where the TDR board sits. Minister, could you come back to that question about the board membership.

**Mr JAENSCH** - The TDR board chair is Brian Scullen. Kim Evans sits on the board in an ex-officio role. Other members are Naomi Edwards, Greg McCann, Vince Desantes, Mike Wallace, Catheryn McCann, Naomi Walsh and Paul Ranson. There are currently nine members - 33 per cent women; four south, four north and north-west, and one based interstate.

**CHAIR** - Thank you. It is good representation across many sectors.

**Mr JAENSCH** - They are fine people and they have been patient with me. Kim Evans is director and CEO of the TDR board, and he holds that by virtue of his role as secretary, so ex-officio is the term I think you'd use there.

**CHAIR** - Well it can't be ex-officio if he's a CEO, can it?

**Mr JAENSCH** - He's by virtue of his position.

**CHAIR** - State Growth, yes. Minister, I'm interested that three ministers dib into this one output growth - yourself, the minister Mr Ferguson and the minister Mr Rockliff, which is a little bit confusing when it's relatively -

**Mr JAENSCH** - There's a lot of it.

**CHAIR** - There are three ministers. I just wonder how that all coordinates?

**Mr JAENSCH** - Mr Bowles has just helpfully advised me that it's actually nine ministers, or it was eight yesterday. The point is that the breakdown of the portfolios and the way the information is presented in the Budget covers a very broad range of activity.

**CHAIR** - Yes, but it's hard to know who's in and who's out.

**Mr JAENSCH** - That comes down to, on one hand, how portfolio divisions are made, which changes over time as well. So, we've had things like the separation of the small business portfolio from State Growth more generally. We've had the identification of advanced manufacturing as a special group.

**Ms WEBB** - Generally, line items are assigned to just one, though.

**CHAIR** - That's what I'm saying. You have three ministers in one line item. I'm trying to understand how this coordinates, and how you actually avoid Mr Bowles having to say the same thing to three ministers?



**Mr JAENSCH** - The other thing that is an issue in terms of transparency and things like the Estimates process is that, if we have reallocation of portfolio responsibilities in different divisions of portfolios in the middle of a reporting cycle, should we change the format of the Budget report every time that happens, because that again could be seen to be making it difficult for a committee like this to compare the budget year to year.

That's just a reality of what we have to work with.

**CHAIR** - I'll come back to how it coordinates and Mr Bowles can tell me how he deals with the three of you. In the Budget, the appropriation for this line item is \$71 602 000 - the expenses out of the \$78 869 000. I'm interested in how you break that down to the various sectors. How much is allocated to your responsibilities in this, minister? How much is allocated to minister Rockliff and how much to minister Ferguson?

**Mr JAENSCH** - On 362, we do have the Minister for State Growth identified.

**Ms WEBB** - So the footnote tells us -

**CHAIR** - It doesn't tell us - there's no figure attached to this.

**Ms WEBB** - advanced manufacturing, defence, science and technology, small business, state development, construction and housing. Those four portfolio areas all come within 1.2, so what is the breakdown?

**Mr JAENSCH** - Mr Bowles, on that basis, are you able to give us a breakdown of 1.2?

**CHAIR** - So we can see how much is allocated to advanced manufacturing and defence, and how much to science and technology, or the minister Mr Ferguson's portfolio, for this line item?

**Ms WEBB** - Ironically, all the portfolios listed aren't actually your portfolios? Are you small business?

**Mr JAENSCH** - No.

**Mr BOWLES** - The expenses within 1.2 are allocated administratively within the agency, and each initiative, or budget item, will be allocated directly to one portfolio, so there's no overlap in that sense. I don't have the aggregated information here that I can give you, in terms of allocations by portfolio that I can give you right here.

**CHAIR** - There must be an overhead component that goes across all three.

**Mr BOWLES** - That's right. There are overheads as well and that's part of the complexity because in order to operate flexibly as an agency, we don't allocate fixed overheads necessarily to every portfolio in the same way. For example, that operational flexibility was absolutely essential during COVID-19 where we had business for business Tasmania service which notionally sits under the Small Business minister. That has staff of 2.3 full-time equivalents but during COVID-19 that was ramped up to 25 staff who were brought in from

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other portfolio teams so that gave us a very high degree of operational flexibility whereas if they were all sitting in silos that would be much harder to do.

**CHAIR** - I am not suggesting they should be in silos, I am trying to understand how the funding is allocated to each: to Advanced Manufacturing Defence which is not this minister's responsibility; to Science and Technology; to the State Growth component.

**Ms WEBB** - Broad business; State Development, Construction and Housing; Trade. There are five portfolio areas attached to it. There must be a breakdown.

**Mr BOWLES** - I can add to that. For 2021-22, the base funding across all portfolios is \$16.9 million and that's indexed at \$0.8 million and then new programs are allocated per portfolio. In the instance of the State Growth portfolio, the new programs include the Building and Construction Support Loan Scheme, \$1.2 million to cover the cost of capital; King Island Lighthouse maintenance, \$250 000; New Secondary Dwellings Program, \$2.5 million, again, to cover the cost of capital; PFG Group no-interest loan, \$12 000; the Rural Town Security Cameras Grant Program, \$1 million; the Supporting Jobs at INCAT, \$2 million; and the other programs are ongoing from previous budgets in that portfolio.

**Ms WEBB** - They are available in a list too?

**Mr BOWLES** - I can give them to you.

**Ms WEBB** - Does that get up to the whole \$71.6 million too? Obviously, there will be an overhead component in that too?

**Mr BOWLES** - The overheads is for \$16.9 million.

**Ms WEBB** - Okay, my mistake.

**Mr BOWLES** - The rest of the programs are: ongoing funding from previous budget years. There are quite a few of them: The Asian White Paper, \$250 000; Business Events Strategy, \$100 000; DXC Industry Support, \$223 000; Global Education Strategy, \$700 000; the North West Coastal Pathway, \$3.1 million; Population Growth Strategy, \$400 000; Serco, \$185 000.

**CHAIR** - Are these the total amounts or are these the annual amounts?

**Mr BOWLES** - That is the annual amount for the budget year.

**CHAIR** - The North-West Coastal Pathway includes the one east of Burnie as well?

**Mr BOWLES** - Yes.

Industry Support Grants, \$948 000. They are all of the programs for the State Growth minister.

**CHAIR** - Well done, you, to have all that. It is confusing for us trying to figure out who's got what. Even just going through the list I couldn't think for the life of me where the cameras fitted but the minister, Mr Ferguson said it was you, and I thought, how does it fit in with you?

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**Mr JAENSCH** - The challenge that we constantly face about portfolio responsibilities being redistributed with increasing frequency and -

**CHAIR** - It is a government decision; it's a government area.

**Mr JAENSCH** - It is a government decision, however, that's quite different to the accounting principles of how things are grouped so we need to get that right. I am happy to take feedback from the Committee, as we have in the past, and we will get into it later today.

**CHAIR** - It would be helpful to have somewhere in the budget papers, where there are three ministers in one line item, the areas that relate to which. When you go through the list of initiatives there is no way for a reader to know who is responsible for what unless it is patently obvious because of the nature. A defence thing would obviously be with Mr Rockcliff, but you know with so many other things it is not clear at all.

**Mr JAENSCH** - That is right. We are on a small island and there is a lot of crossover. For example, the PFG loan which we talked about before is a State Growth loan for their business security and making them competitive. The sector they are doing it in is likely to be in defence. A contact that might arise out of this might be a defence-related contact, and so -

**CHAIR** - so it shifts to Mr Rockcliff's responsibility?

**Mr JAENSCH** - Well the good thing is that Mr Rockcliff and I are good mates and we talk a lot and we work together. That is what the people who are customers of government expect us to be able to do. We need to be able to account for our activities where we both have an involvement. Sometimes it is messy but we are not trying to hide anything; it is just that we work together, and that is good.

**Ms WEBB** - You could make it entirely clear if when you list the initiatives out, you put a line item beside them or next to it.

**Mr JAENSCH** - Chair, could I make a statement in relation to the question I took on notice earlier regarding the request for the report?

**CHAIR** - Yes.

**Mr JAENSCH** - In relation to the report that was previously discussed, the report was confidential advice to Cabinet. It formed part of Cabinet deliberations as part of the red tape reduction reform program. This occurred under the stewardship of the previous minister. As the document formed part of those confidential Cabinet deliberations, it therefore attracts cabinet-in-confidence designation and isn't able to be released on that basis as per the accepted conventions.

**CHAIR** - So minister, when you talk about Cabinet deliberations, what do you mean?

**Mr JAENSCH** - Look, I am going to stay with the wording of the statement that I have just put on the record.

**CHAIR** - So just back to 1.2, this includes support for small business, through business development service and tools. Never has it been more important than during COVID-19 to find ways to support small business. Minister, can you tell us how the impacts of the measures that you have put in place will support business, particularly through COVID-19 and even outside of the COVID-19 response, have been measured? I am talking about the outcomes not just the tools, the outcome of the measures you have put in place.

**Mr JAENSCH** - I will ask Mr Bowles to bring up specific advice across the range of programs. One that I can speak most directly to in terms of programs and their multiplier effect, would be the Building Project Support program that I mentioned in the overview statement. An example of that, this is the \$20 million that we are making available for building projects that are well advanced in their planning and financing but which have stalled or paused because of uncertainties in the operating environment associated with COVID-19. So, two lots of \$10 million, one round has been completed and we have made grants to a range of businesses.

We have had \$10 million for a further period. In that case, there has been a business co-investment in those projects of about \$40 million to our \$10 million in getting those projects off the ground. The example where I went to announce the projects was an organisation called Community Care Tasmania, an aged care and NDIS in-home care provider. We provided a grant of around \$1 million. They have invested another \$5 million and will be developing a new centre which provides for an expansion of their business 20 new full-time jobs and 60 people trained a year in in home care services. That is an example of where our investment in a business support program has had a multiplier on the ground. Across the \$10 million we invested the total value of the spend was \$50 million. If there was a similar multiplier in terms of jobs for our \$1 million, 20 more jobs it is good buying if you can get it in the current environment.

The aim was to ensure where there were projects where there had been planning done for the business, planning done for a new construction project and a lot invested in being ready, but then because of COVID-19 for various reasons was stalled. We wanted to get them across the line. There has been a great appetite for that and why we have put another \$10 million into that program because it is what we need right now. We do not want for the sunk costs in all of that preparation to be lost and those projects not to proceed.

**CHAIR** - You monitor all of these outcomes? Unless you actually monitor what happens you do not know whether that money has been effective in supporting that business. Some of them may be beyond saving, sadly, but how do you monitor and report against the investment you have made. You gave one example.

**Mr JAENSCH** - We would have that sort of information for each one of the projects supported under that program. The other programs we support like that will have similar data. There are some programs we have rolled out under COVID-19 in particular, which have been focused on assisting businesses that have found themselves in a hardship position. There is a level of due diligence done to ensure the funding or support being provided is going where it is intended and for the right purposes, the businesses are eligible and they meet the requirements of the program.

**CHAIR** - It is likely to succeed.

**Mr JAENSCH** - It is likely to have the desired benefit, but we will not be releasing detailed information on grants provided on a business or personal hardship basis. They are ones where we might not be able to have as much in the way of metrics, but we should be able to definitely have accountability for how that money was spent, but not being able to identify some of those individual businesses. Mr Bowles do you have any other detail you could share?

**Mr BOWLES** - There are a broad package of small business support programs through COVID-19. There are at least a dozen programs and I can talk through those broadly there to support small business. That does not include other programs to support specific sectors such as Tourism and Hospitality or the Arts. Each program really had a unique objective. To assess the effectiveness of those programs, you would need to go program by program. For example, very early in the response to COVID-19 we had the Small Business Emergency Support Grants and the Small Business Hardship Grant for which there was an Auditor-General reporting to that administration. The intent of those grants was to provide very fast cash flow support to businesses that may otherwise be very quickly insolvent, but also to provide broader cash circulation across the economy.

In terms of headline outcomes, bankruptcies in Tasmania are actually below the long-term average. In the June Quarter 2020-21 there were 48 bankruptcies in Tasmania, a 52 per cent decline year on year so more businesses are surviving during the COVID-19 and post COVID-19 period than what we would ordinarily see.

**CHAIR** - To date. Yes, it is a long way to go yet.

**Mr BOWLES** - There is, yes. We are not out of it yet.

**CHAIR** - COVID-19 response aside, this line item precedes COVID-19 and hopefully, will succeed COVID-19 eventually, whenever and it always has included support for small business through business development services and tools. I am wondering how you measure the outcomes from the support you give businesses outside of the COVID-19 response?

**Mr JAENSCH** - There is a difference between individual grants programs where we have an agreement, a recipient, an amount of money and a set of agreed deliverables from that or obligations they have -

**CHAIR** - I am not talking so much about grants here, minister. That is a separate issue. It is about -

**Mr JAENSCH** - The services?

**CHAIR** - The services and the tools and the information you provide, it is about start-ups, like starting, running and growing a business. How do you measure the success of your investment in that?

**Mr JAENSCH** - We are probably getting into a couple of areas where Minister for Small Business, Jane Howlett will have more detail on this.

**CHAIR** - Is she in this line item as well?

**Mr JAENSCH** - Yes, she is Minister for Small Business.

**CHAIR** - That means there are four of you.

**Ms WEBB** - It is five portfolios actually.

**CHAIR** - In this one line?

**Mr JAENSCH** - There is so much going on. How else could we assist the committee?

**Mr BOWLES** - Every program will have a particular objective in place and the evaluation will depend on the objective. If it is a hardship program, it will generally be able maintaining business sustainability but also direct jobs in that business and indirect jobs resulting from that business engaging with contractors and in their supply chain. There are other programs with more of an innovation or a trading outcome in which case it would be a different measure. With all of our grant programs, the larger grant programs all come attached with a grant deed, which the recipient has to sign and report against and in those instances there are direct outcomes that attract.

**CHAIR** - The issue of supporting small business through these other things, maybe that is a minister Howlett thing then by the sound of it?

**Mr BOWLES** - The small business programs are predominantly Minister for Small Business.

**CHAIR** - We will move on from that then. Any more questions on 1.2? We will move then to the COVID-19 response ones, 90.3 Business Support Loan Scheme - Interest Costs.

#### **Table 11.11 Revenue from Appropriation by Output**

##### **Output group 90**

##### **COVID-19 Response and Recovery**

##### **90.3 Business Support Loan Scheme - Interest Costs**

**Ms LOVELL** - Minister, I have some questions about the Business Support Loan Scheme but first of all, does this output incorporate the original Business Support Loan Scheme and the subsequent Business Growth Loan Program or is it just related to the original scheme?

**Mr BOWLES** - It is just the COVID-19 response.

**Ms LOVELL** - Are you able to tell the Committee what the total value of loans issued under this scheme is to date?

**Mr JAENSCH** - Yes, Business Support Loan Scheme, 361 loans were approved under the scheme for a total of approximately \$35 million.

**Ms LOVELL** - Of those loans, how many of the loans were unsecured and if any, what were the total value of unsecured loans through this program?

**Mr JAENSCH** - All the loans in this program are unsecured?

**Ms LOVELL** - All unsecured?

**Mr JAENSCH** - Yes.

**Ms LOVELL** - So, that's the full \$35 million?

**Mr JAENSCH** - Yes.

**Ms LOVELL** - Have any businesses missed repayments? I am not asking you to identify the business, obviously.

**Mr JAENSCH** - I will ask Mr Bowles.

**Mr BOWLES** - No.

**Ms LOVELL** - Thank you. Have any of the businesses that were issued loans ceased trading?

**Mr BOWLES** - One.

**Ms LOVELL** - What was the value of their loan and was that loan repaid before they ceased trading?

**Mr JAENSCH** - I am advised that, given we are talking about one business and a hardship loans program, and as you have, through your question, revealed a business has closed, we would prefer not to release any further information about that. We treat that as commercial-in-confidence.

**Ms LOVELL** - Okay. I have been very careful through my questioning not to identify any businesses and I understand they haven't been identified.

**Mr JAENSCH** - When we get down to very small numbers of businesses in Tasmania, any information we provide can lead others to join the dots and speculate or identify businesses. We prefer not to provide any further detail.

**Ms LOVELL** - Can you tell the committee whether the business had completed payment of its loan prior to ceasing trading?

**Mr JAENSCH** - We can't confirm that.

**Ms LOVELL** - Were businesses charged fees to establish these loans or are there any other fees they would be liable for under this scheme?

**Mr JAENSCH** - Andrew Smythe, senior director Commercial and Agribusiness Finance, can explain that process and those arrangements.

**Mr SMYTHE** - Thank you. The question you've asked is what fees and charges were applied to the COVID-19 loans. Broadly, very minimal. It is in the hundreds. I don't have the

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exact number with me but that number can be provided to the Committee within minutes, probably. The information can be provided by the end of the day.

**Ms LOVELL** - Thank you. Minister, last question, are all of the loans still at concessional interest rates or have any been moved to full commercial rates?

**Mr SMYTHE** - They are still on concessional rates. There is no repayment obligation. They were set in place for a period of two years, so they are still within that two-year period. There are no repayment obligations. A number of applicants have commenced repayments, in the order of \$1.7 million of voluntary repayments.

**Mr JAENSCH** - Do you want update your answer?

**Mr SMYTHE** - The term of the concessional period is three years.

**Ms LOVELL** - Thank you.

**CHAIR** - So, 90.9 Digital Ready for Business Program, is that also then with the Minister for Small Business?

**Mr BOWLES** - Through the Minister for Science and Technology.

**Mr JAENSCH** - Mr Ferguson.

**CHAIR** - Right, so how would a person know this?

**Mr JAENSCH** - You know now because you asked.

**CHAIR** - Well let's be fair, to the readers of the budget papers this is completely -

**Mr JAENSCH** - That's why we have scrutiny sessions.

**Ms WEBB** - We haven't been able to ask -

**CHAIR** - Excuse me, but we've had Mr Ferguson, who's that minister, on the first day. We get to the last day and there's no clarity in the budget papers about where these things sit.

**Mr JAENSCH** - I understand.

**CHAIR** - So you'll endeavour to make sure there's changes to the budget paper. Maybe you could speak to your friend, the Treasurer, about that.

**Mr JAENSCH** - I'm happy to take on board and into the record your questions as a committee about how the budget papers are prepared to enable your transparency and scrutiny. I'm more than happy for you to make those comments or put requests on the record. I would love you to do that if you have concerns, so if then Treasury does make changes to the budget papers we can sheet it back to a specific request for a change in the papers. When the Government makes changes of its own volition people become suspicious about whether we're trying to hide something. So, if as a committee -



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**CHAIR** - Well I think if you make it clear where it sits, that's not hiding something.

**Mr JAENSCH** - You could ask that, that would be great.

**Ms WEBB** - It's as simple as footnoting. It's listed under Minister for State Growth, which is you, we've prepared the questions for you and now we find - because there's no footnote to tell us otherwise that it was actually a minister we had before us earlier in the week. An extremely easy measure to put a footnote in, if it's different to what it has been listed under in terms of ministerial responsibility.

**Mr JAENSCH** - I understand.

**CHAIR** - We'll move on to 90.11

### **90.11 Rural Financial Counselling Service**

**CHAIR** - Under the COVID-19 response measures. I assume this is yours?

**Mr JAENSCH** - I don't think so.

**CHAIR** - Or is some other minister like Mr Barnett?

**Mr JAENSCH** - I will take a question on notice on this one.

**Ms WEBB** - Given that there's no actual expenditure for it in this financial year, or not appropriation for it, I presume it's a concluded commitment under COVID-19. My question then is asking about numbers and how that was engaged with. You won't be able to answer those, I'm imaging, so I might save those and ask them at a different date. It's not a specific financial question that I'm asking.

**Mr JAENSCH** - I apologise again for the difficulty of being able to sheet these back to a minister. I think the circumstance around this is that in COVID-19, where there have been needs identified, the Government has responded quickly using the COVID-19 provisions in the Budget and the powers the Premier has had, and then retro-fitted those services under whose responsibilities and which part of the Budget they come to. If you wanted to ask about that program -

**Ms WEBB** - It's not urgently requested -

**Mr JAENSCH** - If you wanted to put a question on notice about that we could ensure that there's a response for that whether it is my direct line responsibility. I can see in the Budget you could ask that.

**Ms WEBB** - I wanted details to get on the record about how that had been engaged with but I don't think it is urgent.

**CHAIR** - We will close this Minister for State Growth section so you are welcome to let your team members go and we will go to Local Government and then Planning.

The minister wishes to table a document before we finish this session.

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**Mr JAENSCH** - We undertook to provide a status list of PESRAC recommendations. I believe what I have here is a consolidated list and we might want to sort that out a little more down to our specific portfolios. I am sorry to keep people away from their cup of tea for another minute.

**CHAIR** - Minister, you can table that later in the day. It doesn't have to be under the portfolio area.

**Mr JAENSCH** - We will aim to do that. Mr Bowles is asking if we can add to a previous answer.

**Mr BOWLES** - If I could clarify, we gave some information about fees on the Business Support Loan Scheme. We note these on that answer.

**Mr JAENSCH** - There might be costs of that but they are borne by the program, not by the applicant.

**Ms WEBB** - To clarify on the PESRAC list, because there are numerous ministers associated with State Growth who may have had PESRAC, I have only asked the State Growth question about that to you but if it is a whole-of-department list, it probably is what I am looking for, rather than just your portfolio areas. If you are happy to table it for the whole of the department?

**Mr JAENSCH** - There is a partial break down in there already. It has Coordinator-General and other parts. I would like to have a look at it before we table it.

**CHAIR** - I am happy to receive that later in the day. Is that all minister? There is nothing else you want to add before we suspend the hearing?

**Mr JAENSCH** - While the recorder is on I want to thank John, Mark, Andrew and Renee for their assistance today.

**The Committee suspended from 10.53 a.m.**

**The Committee recommenced at 11.10 a.m.**

**CHAIR** - Welcome back, minister. We will move on to Local Government. Please introduce your supporter at the table and make some opening comments, before we move to questions.

## **DIVISION 9**

(Department of Premier and Cabinet)

### **Output Group 6**

#### **Local Government**

##### **6.1 Local Government -**

**Mr JAENSCH** - Thank you, Chair. My sole supporter at the table is Mr Craig Limkin, the Director of Local Government.

Thank you, Chair and members, for the opportunity today. If it would please you, I will provide my opening comments for both Local Government and Planning.

I am very proud to be our newly appointed Minister for Local Government, and I want to thank local government for their extraordinary efforts over the last 18 months in particular, through unprecedented times.

They have reinvented the way they operate, to perform their normal duties and to provide new ways of supporting their communities right around the state. I commend them for their ingenuity and innovation, hoping that some of the things that we've learnt in the local government sector - and government more broadly - in terms of new and more flexible ways of operating - particularly the ability to provide services and information and conduct business online - is able to stay with us where it's beneficial in the future.

I want to also thank local government for taking up the opportunities we've provided through things like loans programs, to boost activity in capital works programs in their local areas and keep their workforce and local contractors employed through uncertain times.

In the Budget we're also investing in the future of local government, with a total funding allocation of \$2.84 million - an increase from \$2.29 million in the last budget.

Our investment this year includes \$500 000 a year for two years to support the proposed independent panel that would be appointed if we secure cross-party support for the terms of reference for a structural review of local government, and a reform program - as envisaged in PESRAC's recommendations 48 and 49, which our Government has adopted. We are continuing to work with parties and independent members across the chamber of the House of Assembly to progress that.

Within the Planning portfolio, we are also continuing our program of the reform of our planning system. The year ahead will see us conclude the transition to the Tasmanian Planning Scheme, and be well engaged in the first thorough review of the regional land use strategies across three regions of Tasmania. We have committed \$3.45 million in our Budget to aid that process, which is now underway. We are supporting councils and regional bodies to undertake data collection and their local assessments of supply and demand of land, and consider the changes they'd like to make in their settlement strategies and planning, as a precursor to the full-blown regional land use strategies reviews, which will get fully underway next year.

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We are also responding to key recommendations from the Independent Review of the Tasmanian Planning Commission. You would recall that I released the report from that review in November last year, and we're taking some action in response to those recommendations.

As part of that, for the next 12 months we're providing additional resources to the Planning Policy Unit for some of those critical stages of reform - the development of TPPs included - and the work on the regional land use strategies with local government.

We're also moving the Planning Policy Unit, from the Department of Justice, into the Policy and Intergovernmental Division of the Department of Premier and Cabinet (DPAC), for two reasons. One, to create, as recommended in the TPC review, a greater structural separation between planning policy and planning assessment conducted by the Independent Planning Commission. Two, to move the PPU alongside other whole-of-government, whole-of-state policy work and the home of the state policies as well, which is part of the Premier's responsibility and the Premier's department.

I am looking forward to the continuing reform process, both in Planning and in Local Government, and I thank my departments for their support and their hard work in these areas.

**CHAIR** - We will go to Local Government first.

**Mr GAFFNEY** - We will start by looking at the PESRAC recommendation. The local government reform recommendation says -

parliament should own the local government reform process, including by seeking the terms of reference, setting a time frame for about 18 months for completion, and committing to implementing the recommendations without material multiplication.

The process should be undertaken by an expert panel and supported by an appropriate resourced secretariat.

I know PESRAC was therefore parliament. Surely, in this case, that means the government of the day will be choosing the panel. It says 'the parliament', but what role will we be having in that?

**Mr JAENSCH** - The intent, as we as government understand it, is PESRAC says we are overdue for a full structural rethink or review of local government, to ensure it is fit and effective for the future - particularly in the context of a series of years ahead of us where we are going to be rebuilding an economy, and competing with the rest of Australia and the world for investment and development, and to be a competitive destination for that. In that regard, all levels of government need to be working efficiently and being at their best.

They also identified that the broad-scale structural reform of local government is a politically fraught exercise. Their recommendation was that we, at least at the outset, seek to not make reform of local government a political football, and that we seek to engage and share the process across party lines, to create some political stability and certainty around this process, which has the potential to be quite disruptive to a lot of people, particularly in the local government sector.

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PESRAC's clear aim was that the Government shouldn't go it alone. We should seek to engage with the other parties in the parliament and independents, to take the politics out of it, and to have a shared ownership of the terms of reference and the objectives - and to the extent that we can, an agreement to accept the outcomes of the process from the beginning. That is what we are aiming to do.

We have had a series of meetings, which have involved the Labor and Greens shadows or spokespersons on local government, as well as the Independent member for Clark, Ms Johnston. We are having our third meeting next week to see how much we can agree on in terms of the scope and terms of reference. I am approaching this, not as being a Government project, but as something we will only be able to do if we own it in partnership with the other parties.

**Mr GAFFNEY** - Does that mean it is the lower House, or is it the parliament that is going to be involved in those discussions? You mentioned that the lower House members have met on three occasions. PESRAC has said 'the parliament', so where does the upper House have a role in this conversation?

**CHAIR** - We have been left behind already.

**Mr GAFFNEY** - I didn't say that.

**Mr JAENSCH** - There is nothing to be left behind from just yet. We need to get to first base whereas establishing whether Labor and the Greens and the Government can agree on a partisan basis, the way forward. There is a standing agenda item and has been for the last two meetings that we have not got to but which we have listed to resolve. That is that if we believe that we can achieve a cross-party commitment, the next question is how do we engage with the independent members of the Legislative Council to involve them in the process? Assuming that to a degree if the leads for the parties represent their membership in both Houses, at least on sort of a policy approach to this, the question then is how do we engage with the independent members of the Legislative Council? Whether we do that through one representative or all or is it through a schedule of communications? That is a matter that we have listed to be dealt with and that would involve a discussion with those members but we need to get to first base first.

**Mr GAFFNEY** - Being an ex-baseballer, I am quite aware of the rules of the game. Usually the constitution is set out in the PESRAC report and the umpire will dictate the rules of the game before the runner takes up to first base. I would have thought it would have been more important to have the members of this place represented before the game had started instead of coming on just before we get to first base. I will get off the analogy now but you understand what I am talking about here?

**Mr JAENSCH** - I do.

**Mr GAFFNEY** - If PESRAC is wanting to do that I would think this place is not being represented in the parliament and I think you are thinking, yes, he is right. I am not saying it is too strict but I just think it has not been thought about in that context. They are my comments.

**Mr JAENSCH** - I am happy to respond to you and I would ask you to appreciate that we are in - I accept what you are saying and I understand how you feel about that. We are in

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new territory here and it has taken the first two meetings with the others that we have got just to establish that our intent is to create a shared equity in this, across the parties to start off with. If we cannot achieve it across the parties, then we cannot satisfy that de-politicisation. The engagement of the Legislative Council is not something that I make a decision on; it is something that we need to get to if we can agree that we are going to do this in a cross-party forum. Then the engagement of the independent members of the upper House is a next logical step from that.

**Mr GAFFNEY** - Okay. I accept that.

**CHAIR** - I would argue it is not a next local step. You have already engaged the independent member downstairs. That is very disrespectful, minister, in my view. That is a comment, not a question. I will go to Sarah.

**Ms LOVELL** - I did want to follow up on that, minister, because my understanding is that the Labor representative is participating. The Deputy Leader encouraged you in the first instance, before even participating in any of those meetings, to invite representation from the Legislative Council from the independent members.

Clearly, that was a conscious decision. It is not like you have overlooked it, you have been reminded and encouraged to do that. You have made that conscious decision not to include the Legislative Council at this stage. Do you not acknowledge that that might present issues? It is excluding the Legislative Council. It is excluding the independent members.

**CHAIR** - Despite the PESRAC recommendations.

**Ms LOVELL** - Despite the PESRAC recommendation so I do not accept that it was that you needed to reach cross-party agreement because it is not logical to me. So why was that decision made?

**Mr JAENSCH** - The shadow minister for local government did say we need to involve the Legislative Council. My aim when we were setting up the first meeting was to at least get the parties in a room to see if we agreed that this was worth pursuing and that we understood the recommendation in the same way. I believe Ms Dow did say that we should invite the Legislative Council but she didn't say if she meant all of them or some of them or we were going to choose a representative of them. So, my answer was, can we come to a meeting and talk about that; so we put it on the agenda for the meeting.

There is no captain's call in this. I am putting everything on the table at each of those meetings and asking for Labor and the Greens and, in this case, Ms Johnston, to be shaping this with me, including how we engage with the Legislative Council. If Ms Dow is to say we should involve the Legislative Council, then who makes the decision about whom and how and the rest? It's not her and it's not me, we needed to have a discussion about that at the table, which is what we did.

**Ms LOVELL** - You are about to have your third meeting. Has that item been discussed at any of the meetings?

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**Mr JAENSCH** - It was discussed at the first meeting. It was listed for the second meeting but we didn't get to it in the time we had. We are meeting again next week and it's still on the agenda.

**CHAIR** - Minister, can I remind you that independent members of the upper House do not caucus. We are individuals and you cannot assume one member could represent the views of all of us.

**Mr JAENSCH** - Exactly. Therefore, in terms of a process trying to be bipartisan, tripartisan or de-politicised, when one member says we should involve the upper House -

**CHAIR** - Without clarification doesn't -

**Mr JAENSCH** - Without clarification doesn't mean I invite 15 people to come to our next meeting. We need to work out how we are going to do that. I am not going to make that decision separately from the other people -

**CHAIR** - When and how are you going to make that decision?

**Mr JAENSCH** - Well, as I said, it's been on the agenda for the last two meetings -

**CHAIR** - Of which the Legislative Council members have been excluded.

**Mr JAENSCH** - It hasn't been resolved because we need to establish if we are going to be able - on a party-political basis - reach a cross-party policy on proceeding.

**CHAIR** - That's not what PESRAC said. PESRAC said the parliament. I know the media often say parliament's risen end of the year when you are finished and we haven't, and you perpetuate that with your media releases, I might add. It is time we realised that the parliament includes both Houses and all members.

**Mr JAENSCH** - I have no ideology on this. I am trying to play as straight a bat as I can so I can get and keep the other parties in the process on an equal basis. That is the critical aspect of what PESRAC was saying; you don't want this to be a political football.

**CHAIR** - So, wouldn't it help to have the independent members with those party members, to perhaps encourage them to look broadly?

**Mr JAENSCH** - Yet again, if that question is then all of the independent members or one of them, I am not going to make that decision outside - I expect we will have a discussion about that at our next meeting if the people who have met -

**CHAIR** - It excludes every independent member of the upper House.

**Mr JAENSCH** - I am prepared for you to give me advice yourself, or as the whole Legislative Council, on the best way of doing it. I am happy to hear that but I don't want to -

**CHAIR** - Perhaps you should have called a meeting with independent members.

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**Mr JAENSCH** - Of all the independent members of - we thought we would work out if we were going to be able to work across the party lines, to agree to proceed with this. If we weren't, that's pointless.

**Ms LOVELL** - I wanted to ask if it will be discussed as a matter of priority. It has been on the agenda for two meetings and you haven't discussed it because of time. Will you commit to this committee today to discuss that as a matter of priority at your next meeting?

**Mr JAENSCH** - It will be on the agenda for that meeting and the meeting will work its way through its agenda.

**Ms LOVELL** - So, you may run out of time again. So, no.

**Ms WEBB** - I would like to step this out a little bit more. This is a meeting of members of parliament. Thus far, only of the lower House, and this group is, I think you said, looking, ultimately, to define the term of reference and the scope of the task to be given to the expert panel that PESRAC describes.

**Mr JAENSCH** - To draft for discussion the terms of reference for the group which includes consideration of how we engage the Legislative Council.

**Ms WEBB** - Why you haven't yet engaged with the independent Legislative Council members is because something needed to be arrived at or agreed before that course of action was taken. I am asking you specifically what is the thing or agenda item or specific scope of the decision required and agreement required before you get to there?

**Mr JAENSCH** - The ability of the three parties in the first instance to agree to PESRAC recommendations 48 and 49. As a policy matter, that has involved discussions of what we think those recommendations mean and how we might practically implement them.

**Ms WEBB** - That is more than just agreeing to the recommendations in theory. If you have to decide how they were practically implemented you are getting more into term of reference and scope territory. Across parties and with the independent member in the House of Assembly you are looking for a stated agreement on progressing recommendation 48 and 49. Until that agreement is reached you are not going to engage with the Upper House independent members?

**Mr JAENSCH** - Unless we can get an in-principle agreement across the parties then this process won't proceed at all.

**Ms WEBB** - Given that the recommendations relate to the whole of parliament at this point in time, what is your reason for not involving the independent members of the upper House at this stage in this level of discussion from the outset because it will feed through into the more detailed discussions. You will require upper House agreement ultimately, so maybe that you are missing things that are important even at this earlier stage of consideration.

**Mr JAENSCH** - I think that there is an earlier hurdle if we are faithful to PESRAC's recommendation that if you can't cross-party support, don't do it. Cross-party support is the thing. Cross-party support is the key to the parliament's support. We envisage that if we can get the parties to agree on principle that we're going to do this then we have a plan involving



the Legislative Council, whoever we agree to involve, to get a proposition that we then bring to the parliament and it can be sponsored by all.

**Ms WEBB** - The discussions you are having currently in the meetings about that initial agreement would be of a different nature if you had broader membership and more involvement in that discussion from independent members. It would change the shape and nature of that discussion from the outset and reflect the spirit of recommendations 48 and 49 which was that parliament, in its entirety, should engage to progress it. Independent members of the upper House participating in these initial discussions to gauge agreement could contribute to, have an influence in and be appropriately part of this initial discussion. You are missing an opportunity.

**Mr. JAENSCH** - I am not being political about this, I am trying to be the opposite. The Premier announced our commitment to this recommendation about how we would create a cross-party working group and who it would involve to see if we could get a political commitment across the parties. I called that meeting and the Opposition spokesperson said they thought it should involve the Legislative Council. I suggested that we discussed that at our first meeting of the parties and the independent member as the Premier laid out in his speech which committed us to the recommendation. It was not clear to me how we would most effectively engage the Legislative Council and I did not want to make that decision by myself. If we do not get agreement across the parties we are not going to be engaging the Legislative Council at all in this process because we won't proceed. PESRAC said that we should seek to create a unity ticket across the parties to do this.

**Ms WEBB** - The involvement of the Legislative Council independent members may well assist in creating the unity ticket. Can I ask you why you involved the independent member from the Lower House? Because that is not necessary either.

**Mr JAENSCH** - No, look, in the Premier's policy announcement that we are accepting the PESRAC recommendations he made reference to how we would start that. He made reference to the independent member for Clark. That was my starting point. I don't want to appear to be being difficult here but we are trying to do something that hasn't been done before. That is why it's all new and anxious. We are taking baby steps. If we are going to take the politics out of a discussion about local government first I need to get agreement across the parties that it is worth proceeding. Then that group in its proceeding can engage with the parliament.

**CHAIR** - When you say, 'we' made the decision on the how to engage with the Legislative Council, who is 'we'?

**Mr JAENSCH** - It is not just me. It's the others who PESRAC envisaged would have carriage of this and which the Premier interpreted as being a cross-party working group or a parliamentary cross-party working group. The first step is to reach out to the other parties.

**CHAIR** - You are missing the point here, minster, I asked the question who is 'we'? Name the people.

**Mr JAENSCH** - It's on the agenda for the next meeting and the people who will be at the meeting are Anita Dow, Rosalie Woodruff, myself, Kristie Johnston.

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**CHAIR** - Can you provide copies of past and current agenda to this committee today?

**Mr JAENSCH** - I can't provide them today, I do not have them here with me today. I would need to take that request back to the next meeting of that group. I am trying not to behave like I solely own and control this process. I am doing everything I can to share this as equally as I can with the other parties' representatives in the interest of us being able to establish joint ownership and control of this.

**CHAIR** - You are not doing very well so far in that.

**Mr JAENSCH** - Please accept that I am trying to do something that has not been done before. It is very challenging.

**CHAIR** - What barriers are there to you providing to this committee the agenda in which we are referred to?

**Mr JAENSCH** - My respect for the other people around the table who I have said I will do this equally with. The people who I was last in a room with and who I am trying to share this process with. It's a list of four or five dot points, it is nothing for us to hide. It is not -

**CHAIR** - That's why I can't see the problem with you providing it to the committee.

**Mr JAENSCH** - I will be happy to take it on notice and speak to the other members of that group when we meet next week.

**CHAIR** - It is too late, minister.

**Mr JAENSCH** - You can demand anything you want today. I am not trying to be obfuscatory, I am just trying to be faithful to working with the other parties as an equal to see if we can get this process up. That is all I am trying to do as a first point.

**CHAIR** - This committee, as a parliamentary committee, has requested a document from you that you have the authority of because you, I assume, chair that meeting as the minister, so surely you have the power to provide that to us.

**Mr JAENSCH** - I would like to take that request on notice and ask the permission of the other people who were in that meeting to provide that. I'm happy to do that.

**Dr SEIDEL** - The shadow minister for local government already advised you to engage with the Legislative Council on that. When you look at cross-party support, you've already got the support from one major party, including the responsible shadow minister. Are you telling us now that the other party involved would not be supportive of that. Are you also telling us that the other independent member also in there, who is independent - not a party member and, therefore, shouldn't feature any cross-party support for starters, would not support engaging the other House of parliament, which is the Legislative Council? What prevents you from actively engaging with the Legislative Council if the responsible shadow minister already indicated support?

**Mr JAENSCH** - The issue was when I asked for the first meeting and wrote to the other parties asking them if they would agree to meet to have a first discussion about the

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recommendation from PESRAC and how we go forward, I did that in accordance with what the Premier had undertaken that we would do. When Ms Dow wrote back to me and said, 'I believe we should involve the Legislative Council', that required a decision about who or how the Legislative Council should be engaged. What I said was, 'Let's discuss that when we meet', because I didn't want to start the process of establishing a cross-party ownership by unilaterally deciding who was going to be the Legislative Council for that discussion, for the purpose of that -

**CHAIR** - It's pretty clear, minister, who the Legislative Council is.

**Mr JAENSCH** - But is it all members or - Do you understand, just purely logistically, this is not me playing games, this is just me trying to be as straight as I can and say 'thank you for that suggestion, Ms Dow, can we include that in our discussion so that we share the decision about how to do that' -

**CHAIR** - All I'm asking for is the agenda. I will just go to Sarah and I'll come back.

**Mr JAENSCH** - Because it does require a decision.

**Ms LOVELL** - On that first meeting, the shadow minister wrote to you and said, 'In line with the PESRAC recommendation, we believe that Legislative Council members should be involved in this discussion'. You've advised us that that was discussed at the first meeting but it was on the agenda at the second meeting but didn't get to and will be discussed at the third meeting.

**Mr JAENSCH** - It's on the agenda for the third meeting, yes.

**Ms LOVELL** - What was discussed at the first meeting and was there any disagreement about Legislative Council members being involved?

**Mr JAENSCH** - There was a discussion like the one we've just had now about that you can't involve the whole Legislative Council. Would it be appropriate to ask one person or -

**CHAIR** - Why not?

**Ms LOVELL** - You could involve, you could involve them all - all of the independent members.

**Mr JAENSCH** - There are a range of different ways of doing that and we decided, because we had other matters on our agenda, that we probably needed to work out first if there was going to be the party-political commitment to proceed with this at all. When we went into the first discussion, it was not clear that everyone understood PESRAC's intent the same way, or the way forward, whether it was a government initiative that we were seeking to brief them on or if we were actually seeking to create joint ownership of the process.

**CHAIR** - Which would have been all the more reason to involve the Leg Co [inaudible]. I will go to Meg and we might close this line of questioning.

**Ms WEBB** - On that, there's a very clear parliamentary process that relates to the relationship between the two Houses that would have provided you with an absolutely

rock-solid pathway forward. If you, as lower House members, were proceeding with something that you felt needed the involvement with the upper House, you properly would write to the president of this chamber and put it to the upper House, as an independent House in its own right, to make a decision and engage with itself to make a decision about what that could look like and put a proposal back to you. That would be the parliamentary-appropriate way for you to proceed. Why didn't you do that?

**Mr JAENSCH** - That may still happen. The first step is actually a much more political one, which is about establishing whether there can be, across the parties, an ability to make a political commitment to the recommendation and to each other that we are going to not make this a political football. Then the matter of how that happens comes next and should be shared.

**Ms WEBB** - In that first meeting, when it was brought up by the shadow minister, that the independent members of the upper House should be engaged with, there was some discussion about that and it sounds like it was then parked further down the agenda because there wasn't agreement on how that might look -

**Mr JAENSCH** - No, because there was an agreement if we were going to have a second meeting at all, because the other people around the table needed to go back to their parties to say, 'This is what the Government is proposing - can we agree to have a second meeting?'. And we did, we had a second meeting.

**Ms WEBB** - Indeed, so then at the second meeting -

**Mr JAENSCH** - I need to reassure you that -

**Ms WEBB** - Even at that first meeting, minister, was it identified in the discussion about the upper House members that the appropriate way, if it was taken, to progress that would be a direct communication to the president of the Chamber to invite and for this Chamber to decide how it then would be involved?

**Mr JAENSCH** - At that first meeting we didn't get into that level of detail. We agreed that we needed to resolve how best to engage the upper House, but we needed to first determine if we were going to get to a second meeting, in terms of the parties' willingness to commit to a joint process.

**Ms WEBB** - Do you accept that it actually wasn't your decision about how best to engage the upper House. It was the decision of that group to decide whether it intended to engage the upper House. Then it would have been your role to put an invitation to the upper House to make a determination in its own right of how it would be involved?

**Mr JAENSCH** - That's right. My view is that it's not my decision alone. It would need to be a decision, if there was agreement across the parties to be able to pursue this at all, then the matter of how the upper House is engaged is a critical next step, a next issue.

**CHAIR** - We're going to move on now, back to you, Mike, on this whole output group.

**Mr GAFFNEY** - Thank you, minister. I appreciate what you're trying to do here, because I understand the politics of the area. It's interesting, isn't it? Downstairs they've chosen four members, one of each - then, you have two parties in the parliament and so you have to

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think well, there's 25 and 15, but it's two equal parties. I don't think it's just independents that represent the upper House either. I think there's five, four and six. So, I wouldn't assume that it would just be independents but I think there would be a parity or an equity in the numbers perhaps. So, I wish you well with that conversation. I want to know -

**Mr JAENSCH** - Thank you.

**Members** interjecting.

**Mr JAENSCH** - Should we wish Labor and the Greens well too? Because I share this with them, so far.

**Mr GAFFNEY** - Undertaken by an expert panel. So, the expert panel will be chosen by whichever group goes there and the appropriately resourced secretariat will be the local government division. Is that's what the money is for to run that process, including the local government division or not?

**Mr JAENSCH** - Again, I'm not the unilateral owner of that. We haven't got to that level of discussion. However, the PESRAC spoke about an appropriately resourced secretariat. There are also various ways of understanding what an expert panel might be. That could be interpreted as an expert panel being a group of economists and analysts et cetera, with clipboards, who work out the best way of running local government in the future, with a secretariat being a minute-keeper. Or it could be that an expert panel is a group of people who have knowledge and are regarded as understanding what Tasmania needs in local government who are supported by a room full of expert number crunchers.

**Mr GAFFNEY** - I understand, but that is going to be decided by the group?

**Mr JAENSCH** - Yes.

**Mr GAFFNEY** - Okay, that is fine. I just want to know where the funding for this process going to come from? Is that the \$500 000 extra in the division for the next three years?

**Mr JAENSCH** - Yes, \$500 000 a year this year and next year as provision so there is some money in the Budget, however, what will happen assuming we proceed is ideally there will be a co-sponsored motion, bill or proposition -

**Mr GAFFNEY** - Can I stop you there, minister, because you do not really know that. You have answered the question regarding the Budget, so we will leave it there and go onto the next lot?

**Mr JAENSCH** - We can, but my point that I am trying to make is at some point - once there is a way forward - there will be a proposal about the way forward brought to parliament which will include an identification of its resourcing requirements, which may be in excess of what is currently allocated so, we are not presupposing that is all you have to work with.

**Mr GAFFNEY** - No, primarily that is what this is for?

**Mr JAENSCH** - Yes.

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**Mr GAFFNEY** - How many FTEs in the local government division at the moment? If I could have that please?

**Mr JAENSCH** - Thank you. I would ask Mr Limkin to respond.

**Mr LIMKIN** - There are 10.3 FTEs as at 30 June for the local government division.

**Mr GAFFNEY** - Okay. And during COVID-19 were any of those deployed elsewhere?

**Mr LIMKIN** - Some of those people were sent up to the control centre to support the COVID-19 control centre, the recovery arrangements plus helping the public help hotline.

**Mr GAFFNEY** - There used to be the person in charge of local government was a PLGC; is there now a Minister of Local Government Council?

**Mr JAENSCH** - My understanding, Mr Gaffney, that it remains the Premiers Local Government Council and so far, I have been invited.

**Mr GAFFNEY** - And that is run by the local government division?

**Mr LIMKIN** - Yes, it is, Mr Gaffney.

**Mr GAFFNEY** - In conjunction with the Local Government Association and councils?

**Mr LIMKIN** - Yes.

**Mr GAFFNEY** - I will quickly to the Code of Conduct and this is really important, because there have been some frequent issues in recent times than in other years. LGAT's submission in respect to Code of Conduct said -

The framework should be reserved for matters of a more serious nature pertaining to breaches of government standards, serious cultural issues or loss of public confidence in local government.

And then it goes onto say -

This is where the framework is failing us. We have a system that is spends unnecessary time and resources on dealing with the trivial while on occasions when serious misconduct occurs, the framework fails to adequately sanction the breaches. It is these shortcomings that are the core of local government's concerns over both the framework itself, but also the function of the code.

My questions would be could you please update members to the department's progress with and the next steps towards, the Code of Conduct framework review. I think it started in 2016, can you provide a table indicating the calendar year and the amount of misconduct cases dealt with yearly and where those local government areas involved were? You can table that later today if you need to get it but perhaps, if you concentrate on the first question?

**Mr JAENSCH** - I will ask Mr Limkin to look up what numbers he can offer here today or take on notice. I agree with you, the Code of Conduct framework was first introduced in

2016, at the request of the sector and was intended as a measure of last resort. There was an expectation clearly that councils would develop dispute resolution policies to support dealing with matters in-house to the extent they could and the Code of Conduct was needed as a way to escalate matters that could not be resolved or had exhausted those capacities locally. Since then Code of Conduct framework has been in place. There have been successes and areas for improvement identified. There was a range of consultations conducted late last year that resulted in a couple of things. Some tweaks to the model, including initial assessment guidelines for the panel. These are to be used by the chair in doing a first assessment of a complaint to determine if it would proceed or not. The Government, also through the division, has been working with Local Government Association and with councils on supporting them to develop those in-house dispute resolution pathways.

More recently again, those areas for improvement have been put out for consultation which has now concluded. A further round of consultation and the division is considering the feedback from local government and other stakeholders on what further improvements to the Code of Conduct process may be able to be made.

I will ask Mr Limkin to fill in any gaps in my answer so far.

**Mr LIMKIN** - On the statistics, as at 16 August 2021, 133 complaints have been received under the Code of Conduct framework since the commencement in 2016, 48 complaints have been dismissed, either after initial assessment, judicial review, referral to another authority or withdrawal, 77 complaints have been determined, including 32 dismissed, 45 being upheld and 8 are currently still under investigation by the panel.

**Mr GAFFNEY** - At its general meeting on 5 August this year, LGAT have lobbied the state Government to broaden the scope of the present review of the Code of Conduct to include investigation of the transfer of code of conduct complaints to the jurisdiction of Tasmanian Civil and Administrative Tribunal, subject to clarification of the cost implications for participants and councils. This was just 17 May. Is it within your purview to be able to expand the review now you have had a request from LGAT?

**Mr JAENSCH** - We have heard those suggestions and requests and were matters that did come up through discussions the Premier was involved with and our approach is we are open to those matters and will give them consideration.

**Mr LIMKIN** - We are considering that response from LGAT and we are also talking to our Department of Justice colleagues and LGAT about that motion. We will provide options, risks and benefits for that move to the minister and the government at the time. As you mentioned, LGAT has constantly been concerned about the cost to councils on Code of Conduct complaints, so we need to make sure we undertake that analysis prior to providing those options. It is important decision-making.

**Mr GAFFNEY** - In the Victorian Code of Conduct they permit an internal council review as long as they use specialists. Have you considered that as part of this process?

**Mr LIMKIN** - Originally, councils were supposed to set up internal dispute mechanisms to try to deal with matters early on prior to them becoming a Code of Conduct waste. Some councils have set them up, some have not. The division continues to work with councils on those mechanism and it is something we will consider as part of this supply.

**Mr JAENSCH** - From a broader policy perspective and I expect we will cover this in other discussions today, and it goes to safe workplace type issues. It is important councils do whatever they can to own and manage those circumstances themselves, those issues as they arise, so they are taking responsibility or upholding a requirement of good conduct and safety within their workplace for themselves, their staff and others who may be involved with them. As it was originally intended in 2016, creating the Code of Conduct was to be a measure of last resort to escalate things to when you had exhausted your capacity to deal with it in-house. I think that principle is still really valid and we would expect, that for any workplace and any statutory organisation with its own responsibilities, they would have mechanisms like this that are effective for all but the most difficult cases. Then you need the capacity to escalate them. It shouldn't replace a council's responsibility to be able to deal with those matters in-house, where reasonable.

**Mr GAFFNEY** - It is interesting to note that when this started prior to 2016, once the snowball started to roll it was out of control, then they say, we have to tighten up. It wasn't needed for many of the councils, only a few; so the cycle has come around. That was a comment and I'll finish there.

**CHAIR** - Minister, can I take you to the performance information on page 264. The first performance measure is level of satisfaction with local government mayors and GMs for timeliness and quality of policy advice and support provided by the department. I have a couple of questions on this. During 2020-21, consultation was undertaken directly with LGAT to deliver to time frames. The year was still the same length so I am not sure what the issue is with time frames. All this sort of consultation stopped during COVID-19 and that may be a reason. I am not sure why the time frame was compressed.

**Mr JAENSCH** - As it may predate my tenure, I will ask Mr Limkin to comment.

**Mr LIMKIN** - One of the things we needed to do was establish some baselines so we could then measure the outcome in future. Unfortunately, because of COVID-19 and the work the mayors and GMs and their councils have done to support their communities, they did not have an opportunity to do a lengthy survey. We agreed with LGAT that we would do it at a high level, look at establishing a baseline this year with key metrics and then we could measure those outputs and outcomes in the future.

**CHAIR** - Can I suggest, if this measure stays the same it will not in any way reflect outcomes? You currently have 29 councils, all having a mayor and GM, and it is either satisfied or not. If King Island Council are really unhappy and completely dissatisfied but every other council is, we will see a measure that says 'satisfied' and their voice is not heard. Surely, this is not an adequate performance measure. Will you look at that to find some proper outcome-focused measure?

**Mr LIMKIN** - We will be using a percentage scale until we establish that, so you can clearly see the percentage of councils identified, in your example, King Island -

**CHAIR** - Why don't you use numbers rather than percentages?

**Mr LIMKIN** - I am happy to look into doing numbers, Ms Forrest. It is something we needed to have a baseline for this year and move forward. We wanted to provide the parliament



with an updated outcome metric. We have done that and we will look at improvements over time.

**Ms WEBB** - It's not actually a baseline, though, is it? If it's going to be different to the way it's done in future it doesn't actually provide you a baseline. It provides you with something this year that is going to have no relationship at all when you revert to a fuller process next year and onwards, to clarify.

**Mr LIMKIN** - I acknowledge that, and as I said, we are looking at how we do that for the future.

**Mr JAENSCH** - As I have indicated, this is a house of review. In a hearing of review of these documents, if you have suggestions for us as to how that could be formatted in future we would be happy to take those back to Treasury as advice from this forum, because they are for you.

**CHAIR** - I believe it is for you to take this back, minister. You're the minister responsible for your performance information. The criticisms we may have in relation to an outcomes-focused performance indicator, which I have been banging on about for years, is your responsibility to address because it is your section of the budget papers.

**Mr JAENSCH** - I want it to reflect your concern. If you have any guidance for us we are pleased to receive it.

**CHAIR** - I would hope that we would get much better outcome-focused performance information because this doesn't tell me anything other than that LGAT said the mayors and GMs are satisfied in terms of the times and quality of policy advice by whatever measure, it's impossible to know.

**Mr JAENSCH** - It is qualitative if it said 'unsatisfied'.

**CHAIR** - That would require all of them to be unsatisfied, I believe, from the measure which would be a very sad state of affairs for you as the minister.

**Mr JAENSCH** - Clearly, they're all satisfied by using the same metrics.

**CHAIR** - That's right, so it's meaningless.

**Mr JAENSCH** - Okay.

**Ms WEBB** - To clarify, from now it will either be a number figure or a percentage figure of the 29 councils?

**Mr LIMKIN** - That is correct.

**Ms WEBB** - We will have a more nuanced understanding to what degree across the quantum of [inaudible] they're satisfied.

**CHAIR** - I will leave that with you, minister.

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**Mr JAENSCH** - Thank you.

**CHAIR** - That's all I have. Are there any other questions on Local Government?

**Ms WEBB** - The other ones got covered by Mike's earlier questions about the money allocated to the panel.

**CHAIR** - In that case, we will move on so you might want to change your team at the table, minister.

**Mr JAENSCH** - Thank you very much, and I thank Mr Limkin for his advice and attendance.

### **DIVISION 6**

(Department of Justice)

#### **Output Group 4**

#### **Regulatory and Other Services**

#### **4.2 Tasmanian Planning Commission**

**Mr JAENSCH** - I welcome to the table Mr Brian Risby, Director, Planning Policy Unit, Department of Justice and Ms Kerrie Crowder, Acting Deputy Secretary, Corporate, Strategy and Policy, Department of Justice.

**CHAIR** - You have made your comment on this so I will go straight to Bastian.

**Dr SEIDEL** - Thank you, Madam Chair. I direct you to Budget Paper No. 2, Volume 1, pages 203 and 204. The output under 4.2 Tasmanian Planning Commission certainly lists the responsibilities of the Commission but then when it comes to performance information and we talked about performance indicators before, there are none at all about the performance of the planning commission.

Minister, is there any particular rationale why performance is not important?

**Mr JAENSCH** - The rationale is that we have a requirement for the planning commission as a statutory authority to table an annual report in parliament and that is the main source document for the performance reporting. That's the rationale, rather than duplicating that in the budget papers.

**Dr SEIDEL** - Other annual reports from other agencies also contain performance indicators and there are often featuring in the budget papers as well so there's no particular reason why performance indicators can't be reported in the budget papers as it happens for other agencies.

**Mr JAENSCH** - That is the rationale why they're not duplicated in the budget papers.

**CHAIR** - Before we move on to another area, besides just tabling an annual report which is a requirement of just about every statutory authority and every department; that's a given that

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will be the case. Will you look at some other outcomes-focused performance information related to the Tasmanian Planning Commission? They do a lot of really important work so surely some outcomes focus from the outcomes of the work they do could be reflected in the performance information aside from just tabling an annual report?

**Mr JAENSCH** - I would be happy to look at that, and again I'd be happy to have your views, as a committee, on what types of information would be meaningful.

**CHAIR** - Other departments, particularly Treasury I think, have engaged staff to look at these areas because this has been a problem right across the Government, and before this government; it's been ongoing since I've been here. Much of the performance information is just a box ticking exercise with outputs rather outcomes. If you talk to other ministers you'll discover work is being done in other portfolio areas.

**Mr JAENSCH** - Okay. That's information that we hold but it's not reported in the Budget papers. The issue is about the performance reporting in the Budget papers as it applies to the TPC?

**CHAIR** - Yes. I'm sure there's some in your annual report.

**Mr JAENSCH** - Yes.

**CHAIR** - Yes.

**Mr JAENSCH** - And what they may be.

**CHAIR** - But we don't have your annual report at Budget time. We have last year's.

**Mr JAENSCH** - Yes, which will be the latest. I'm happy to take that as an issue. If there were any measures you thought would be meaningful ones to review in your role -

**CHAIR** - Can you tell us what measures are recorded in the TPCs annual report?

**Mr JAENSCH** - I would be happy to bring the acting executive commissioner, Mr Ramsay, to the table to speak on those matters. Welcome to the table. Have you been to one of these before?

**Mr RAMSAY** - One or two, yes, thanks.

**Mr JAENSCH** - Would you care to speak about the performance measures referred to in the commission's report.

**Mr RAMSAY** - I will have to refresh my memory about the performance measures in the annual report, minister. The performance of a commission is linked to the statutory processes that we must follow in relation to new planning schemes and planning scheme amendments. They are all timed. In some cases we need to get an extension of time from the minister. The efficiency of the commission shows up in the extent to which we have to seek an extension of time.

That's not quite the full story because the parties sometimes seek an extension of time and for us to observe the rules of natural justice, we allow people time to get their information together. The extension of time is not linked to the capacity of the commission to do the work but it's linked to giving parties an opportunity to participate.

If it was thought that there were some other performance measures for the commission, I'm sure we would be happy to report on them. The numbers in here are linked to the number of draft amendments we get and, in the current circumstances, the draft LPSs and how long it takes to progress them.

**CHAIR** - That's helpful information because there's a caveat that sometimes it's the other side who requests an extension. You hear frustration in the community about LPSs not being finalised and the cross-over in starting in one. That has been addressed.

The performance of the commission is relevant to the Budget allocation because if the budget is there to see the work done and it's not being done in a timely manner it could be a resourcing issue, which makes us consider if the budget is adequate to fund the commission.

**Mr JAENSCH** - Yes. And that's where the measure needs some of that unpacking at a forum like this to distinguish between where there is a capacity issue and the resources of the commission versus acts of God, COVID interruptions, cancelled hearings, for reasons outside -

**CHAIR** - We can't seek analysis of performance information if it's not even here.

**Mr JAENSCH** - That's right.

**Mr RAMSAY** - Minister, I'll add a further comment. Whenever we seek an extension of time, we have to write to the minister. We set out the reasons. Sometimes the minister says no. It doesn't happen that often but it has happened in my experience.

**Mr JAENSCH** - Or less of an extension, yes.

**Mr RAMSAY** - We might ask for 60 days and the minister says, 'Well, you can only have 30'. There is information. It can easily be put into performance criteria.

**CHAIR** - That's what, I think, you were asking too, Bastian?

**Dr SEIDEL** - Yes. Probably a direct follow-up because you could report on the statutory requirements made on time. I'm going to refer to the State of the Environment report, which is way overdue. It would be useful for the committee to know why it's overdue. Is it because of funding issues? You would lift your performance indicator to publish as part of the Budget. The lower House Estimates and upper House Estimates last year asked when the State of the Environment report was going to be published?

**Mr JAENSCH** - I am happy to comment on that one in my capacity as minister, noting that the responsibility for producing the State of the Environment report sits with the commission under the legislation. The last one was prepared in 2009. That issue is recognised by Government. When we commissioned the review of the TPC and set terms of reference for that last year, we specifically included a criterion where we asked them to examine the suitability of the TPS to be the body creating the State of the Environment report. Their advice

back identified that it was not necessarily the right body to be producing it, given the other roles and functions it has.

The Planning Commission used to have responsibility for planning policy as well as for assessment and decision making. That was split and the PPU was brought out separately. The State of the Environment report is similarly a monitoring and reporting role which is quite different to the assessment role, which is quite different to the assessment role that the Planning Commission plays. When our consultancy came back and recommended that the commission is no longer the appropriate body to do that work, we tasked the State Planning Inter-departmental Committee with reviewing what the State of the Environment report is, what it should be, what processes it might feed into and inform and where in Government that is best prepared.

**Dr SEIDEL** - I'll come to that aspect of the review a little bit later. Considering it is a statutory requirement to publish the report every five years, have you been asked for an extension of time? Have you have granted the extension of time?

**Mr JAENSCH** - I would need to check my records on have there been formal requests to extensions granted. I'm happy to take that on notice.

**Dr SEIDEL** - Okay. Are you concerned that there has been no State of the Environment report for two cycles? Is it of concern?

**Mr JAENSCH** - There has been one but it has been considerably out of date. It was of sufficient that we made terms of reference for the review to deal with that directly.

**Dr SEIDEL** - Is it your intention to transfer the obligation to write and release the State of the Environment report to a different agency?

**Mr JAENSCH** - We have asked for advice as to what format and purpose the State of the Environment task should serve now and where it should be done. Where is the best home for that activity in Government?

**Dr SEIDEL** - When do you expect the advice to be received?

**Mr JAENSCH** - We have asked the Inter-departmental Committee to do that work. I don't have a firm timeline on when to expect a response. I will see if the department can give me any update on that.

**Mr RISBY** - I don't think there's a particular time. The IDC is due to meet relatively soon in relation to the Tasmanian planning policies. I believe it is on the agenda for that meeting.

**Mr JAENSCH** - We'd expect advice on that before the end of the year.

**Dr SEIDEL** - Is there currently any work done on the State of the Environment Report by the TPC, or has no work even been commenced, considering that the obligation would be transferred to a different agency altogether? What work is currently done on the State of the Environment Report?

**Mr JAENSCH** - As that's a responsibility of the TPC, I'll ask Mr Ramsay if he can respond to that.

**Mr RAMSAY** - There is no work done on the State of the Environment Report.

**Dr SEIDEL** - Why not?

**Mr RAMSAY** - I can't speak for the former executive commissioner, but to the best of my knowledge the commission hasn't been resourced to be able to produce a State of the Environment Report.

**Dr SEIDEL** - So it's a resourcing issue. Minister, how long have you been aware that there are resourcing issues in the TPC with regard to writing and releasing the State of the Environment Report, considering that last year, at this estimates, you mentioned you were in regular communication with the Tasmanian Planning Commission and you collaborate and give directions?

Have you been made aware that there are funding issues relating to the central obligation to compile and publish the State of the Environment Report?

**Mr JAENSCH** - I think when we spoke at last year's estimates, the review of the TPC had been commissioned and completed, and we released that report around the time of the last estimates. So, we've taken action on this non-provision of the State of the Environment Report over the last couple of years.

The TPC has also had additional resources from time to time over the years in response to budget bids and decisions that have been made through the budget process.

**Dr SEIDEL** - I would imagine the State of the Environment Report is not a Budget bid, is it? It's just a central requirement. It's quite substantial. You're obliged to actually do that. So, have you been asked to provide additional funds for the TPC to initiate work that allows the commission to release a meaningful State of the Environment Report?

**Mr JAENSCH** - I'll take that question on notice. I don't recall whether the budget bids relating to the TPC have separately identified the task of preparing the State of the Environment Report, or if it's been part of a broader budget bid. I'm happy to take that question on notice.

**CHAIR** - Can we clarify that question on notice, then.

**Dr SEIDEL** - Has the minister received requests from the TPC with regards to additional funds, or any funds, to work on the State of the Environment Report?

**Ms WEBB** - Minister, would it be your Government's understanding that the funding provided to the TPC, since 2009, would have been inclusive of fulfilling the requirement to provide the State of the Environment Report, as per the act?

**Mr JAENSCH** - Yes, it's part of the TPC's requirements under the act.

**Ms WEBB** - It was your understanding that the funding provided to them, each year, since 2009 - the last one that was done - or during the time you've been responsible, include the State of the Environment Report?

**Mr JAENSCH** - They are statutory responsibilities, yes. That is one of their statutory responsibilities, but I will take on notice the question as to whether there was a specific request for funds for that task.

**Ms WEBB** - Can you also tell me then if, at any stage, there was an indication to your Government - since it's been in a responsible position - of any request made for more funding to fulfil the responsibility?

**Dr SEIDEL** - I'm also asking specifically, have you asked the TPC why the State of the Environment Report has not been released according to the time lines? Has it been in your interest to find out why the TPC was unable to meet its statutory obligations?

**Mr JAENSCH** - I would say it has been discussed, in the midst of a lot of other things that we've been asking the TPC to do over the last few years. They've been very busy, and increasingly busy, and their workload is changing. That is why we initiated the review as well, to ensure that the structure - and particularly the independent decision-making governance - of the TPC remained relevant, up-to-date and up to the expectations of the community.

**Dr SEIDEL** - The performance must be really good, looking at the performance indicator listed in the Budget. I would imagine if it is just a function of funding - if you just fund them properly - they would have done the work. Is that what I am hearing?

**Mr JAENSCH** - I will stay with your question before regarding specific requests for funding for this task. What we have done in the past is responded to the TPC's request for additional funding through the budget process.

**Ms WEBB** - But you would have anticipated, minister, that they could have delivered on this statutory requirement within the existing funding.

**Mr JAENSCH** - It is one of their functions.

**Ms WEBB** - And you did not follow up with them about why it had not been provided at any stage?

**Mr JAENSCH** - I am sure there have been discussions about the provision of the State of the Environment Report, amongst a wide range of other matters that have been before us, including transitioning 29 planning schemes into one, and the very dense workload and the need to apportion the commission's resources efficiently to process those assessments and approvals.

**Ms WEBB** - I would like to know when that might have first occurred. Presumably, from the point onwards that there was first a discussion - and you said there would have been discussion - from the first instance of that discussion, you would then have been aware that the allocated existing resources were not sufficient. I imagine that would have been part of the discussion. So approximately what date would that have been, and why was that not followed up?

**Mr JAENSCH** - So what was your question?

**Ms WEBB** - You mentioned that there would have been discussions about the non-delivery of the State of the Environment Report and why that was occurring. So at whatever time that discussion was first had, is the time at which your Government could no longer have had the expectation that current resources were sufficient to provide it.

**Mr JAENSCH** - If you are seeking an indication of the Government's awareness and what action did we take in response to knowing that there was not an up-to-date State of the Environment Report, we initiated a review of the TPC and included this as a specific term of reference. Now, on the recommendation of that work, we are getting advice on what the State of the Environment reporting needs to be to be relevant now, and where in government it is best undertaken - because our advice is that the commission is no longer considered the most appropriate body to prepare updates on the State of the Environment Report, because it is not similar to anything else that they do.

**CHAIR** - Maybe the new completely independent EPA can do it.

**Mr RAMSAY** - We would follow up on that as well.

**Mr JAENSCH** - But there are also other things afoot and moving, as we have discussed over recent days and again here today. There is the relocation of the planning policy unit into DPAC to sit alongside the policy division that takes a whole-of-government view. There is a PESRAC recommendation regarding a sustainability strategy, which has also been driven out of DPAC.

A range of other changes and initiatives now afoot will, I think, inform that discussion about where the State of the Environment reporting fits; the revised structure for the EPA is another one of those considerations. A lot of those things now on the table have changed since 2009, and my hope is that we will come out with a recommendation about where we place that State of the Environment reporting activity - where it can hook into a range of other processes that will both feed it and feed from it, which it appeared not to have when it was in the TPC.

**Dr SEIDEL** - As Minister for the Environment, are you concerned that there is no work being done currently on the State of the Environment report?

**CHAIR** - That is a question for later when we reach the Environment.

**Ms WEBB** - Just back on that, while you see if there is another way to phrase it, what is the time line for that, minister? We have been waiting since 2009. You have been aware of it for quite some time. You are having it reviewed. When will the new structure/model be in place?

**Mr JAENSCH** - We expect that we will have recommendations from the inter-departmental committee by the end of the year.

**Ms WEBB** - On how we might carry forward a State of the Environment Report in a new form?



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**Mr JAENSCH** - How the State of the Environment reporting activity should best be conducted and where in government that should happen.

**Ms WEBB** - But that recommendation will come to you by the end of the year. When will you action it?

**Mr JAENSCH** - We will see what the recommendation says because the pathway to actioning it will be different, depending on what the recommendation is.

**Ms WEBB** - What is your urgency, knowing that it will ultimately deliver us a State of the Environment Report we have been waiting more than a decade for, what is your urgency to commit to when we will see our next State of the Environment Report? Is it going to be next year? Are we going to wait more?

**Mr JAENSCH** - We will get a recommendation and then, depending on what that recommendation involves and how we choose to respond to it, we will know what the timeframe is for setting that in train. But as quickly as it is feasible to do so.

**Ms WEBB** - How about a commitment on how quickly you will respond to the recommendations?

**Mr JAENSCH** - As quickly as we can. Do you understand, if it involves, and it would at least involve legislative change, to change the planning commission's legislation regarding its involvement, if it involved setting up any new legislation or a function or resourcing, there are budgets and drafting and parliamentary processes to consider, which I can't predict now in their entirety.

**Ms WEBB** - Would you expect to see the next budget contain funding and resourcing for a State of the Environment Report?

**Mr JAENSCH** - The timing of advice that we get would be able to inform a budget process.

**Dr SEIDEL** - Specifically, when did work on the State of the Environment Report cease?

**Mr JAENSCH** - I could ask the executive commissioner to respond to that. However, acknowledging that the date of the last report being published was 2009, and not knowing what his corporate memory of that is, I would excuse him if he felt he was unable to answer that question.

**Mr RAMSAY** - I don't know the answer to that question.

**Dr SEIDEL** - Can you take it on notice?

**Mr JAENSCH** - I would be happy to do that.

**CHAIR** - Could you repeat that question?

**Dr SEIDEL** - When did work on the State of Environment Report cease?

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**Ms WEBB** - Minister, the next national State of the Environment Report is due in early 2022. What Tasmanian information or data has been provided to the Australian Government for that national State of the Environment Report, and who has provided it?

**Mr JAENSCH** - I am happy to get some advice on that but I would also maybe suggest that it is a question for the Environment session, which is me too, later on.

**Ms WEBB** - Do you want to come back to it then?

**Mr JAENSCH** - Yes, and by then I may have an answer for you.

**Dr SEIDEL** - The question is about land banking. Are you able to provide a figure for the number of lots statewide whose development plans have been approved but construction has not commenced?

**Mr JAENSCH** - I will seek Mr Risby's advice on this. My expectation, though, would be that it is more about local government's role as local planning authority and any metrics or any conditions they might have put on development applications that they have approved for commencement. Mr Risby, is there anything else we could comment on that?

**Mr RISBY** - No, that is an accurate representation of the situation. Local government would administer the approval process for the subdivisions. At a state level we don't accumulate an overall picture of land development across individual councils at this point.

**Mr JAENSCH** - However, if your inquiry goes to the issue of land banking, when we've spoken about that, that's typically referred not to properties where there is a development application approved but where there is zoning for development but the land has not been activated. It doesn't have a development on it.

There has been some work done to estimate the supply of residential land across the five different residential planning zones to get an understanding of how much latent or unutilised or unactivated residential land there is. I wonder if someone might hand me some numbers on that? There's quite a lot of numbers on this, but what I want is the round numbers which are about hectares.

The estimate is that there are the equivalent of around 60 000 residential lots of land, out there around Tasmania zoned for residential use but not being used to build houses on at the moment.

This is a really important issue as we go into reviewing our regional land use strategies. Part of the purpose of those strategies is to identify a future supply of suitably zoned land for different purposes. We know that in many areas people are experiencing a shortage of available land to build on, which doesn't mean that there isn't any. It just means that they can't get it because someone else has already got it but isn't using it.

What we need to be careful about is that when we are planning for the future, we don't create new areas for residential development to satisfy the demand for land in sub-optimal areas when the best areas for residential areas are already zoned but aren't being used.

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There is some work being done as part of the metro plan, which is the Regional Land Use Strategy subset for the four city council areas of greater Hobart. A piece of work is being done about identifying what, in other jurisdictions, have been policy levers, incentives or coercions used to deal with this issue. We are not Robinson Crusoe, this has happened elsewhere. Before we go making maps defining what the next 30 years' supply of land needs to look like, we need to be able to cater for the next 10 years, which we already have but which aren't being used yet. There might be a range of different levers that could be used.

This work being done for the southern metro councils will inform, hopefully, what we are able to do more broadly, including areas like greater Launceston, where this is also an issue.

**CHAIR** - Could we have an update, minister, on the local planning provisions that have been completed, in progress or haven't started yet?

**Mr JAENSCH** - Yes, I was given a summary of that. This is an update of progress with the local provisions schedules as at 3 September. There are seven approved and in operation now: Burnie, Devonport, West Coast, Meander Valley, Brighton, Circular Head and Glenorchy. Twelve are currently in the statutory process, including being on public exhibition, hearings scheduled or concluded, and approvals imminent.

There are 12 in that category: Clarence and Central Coast, both of which are expected to be formally approved and gazetted by the end of this month; Tasman and West Tamar following closely behind the others; Glamorgan-Spring Bay, Flinders Island, Sorell, Southern Midlands, Launceston, Central Highlands, Northern Midlands and Break O'Day. There are eight with documents lodged and compliance being reviewed. Latrobe, Waratah-Wynyard, Huon Valley, Derwent Valley, George Town, Hobart, Kentish and Kingborough fall into that category. There are two councils that have not yet lodged their draft local provision schedules with the commission, they being Dorset and King Island.

**CHAIR** - Is there an expectation they will get on with it and what are you doing to assist in that?

**Mr JAENSCH** - Yes. That is a good question.

**CHAIR** - Is it a resourcing issue? We are talking about a small council of King Island, certainly.

**Mr JAENSCH** - There are other extenuating issues there also, which I am happy to get to. My ambition had been we would have all of the councils across the line by the end of this year. Things like COVID-19 have made a big difference in councils' capacity to do work because of the restrictions and their dealing with substantially greater numbers of development applications now and over the last year.

Their planning resources have been directed in other ways. We accept and we wear that, so we can wear a bit of an extension of time. Also, we respect councils have to make their own priorities and we resist directing councils.

**CHAIR** - You can provide additional resources if they were struggling.

**Mr JAENSCH** - That is what we have been doing. Across the range of councils in different phases, all have been offered support. Some have had PPU staff or TPC officers work with them and expand their capacity, others have been offered and accepted money to hire consultants or to purchase data sets and those sorts of things. I am pleased with the flexibility the TPC and the PPU have shown in lending that support and I glad councils have taken it up. There are more that could and I am encouraging them as much as possible.

**CHAIR** - To take up the support?

**Mr JAENSCH** - To take up the offer of support and assistance to get things done, but we recognise councils are also under a range of pressures at the moment and we do not want to break anything. We have to maintain the relationship and will assist wherever we can and have been. I am happy that by middle of next year, maybe, we will be closer to having the scheme operating across the board. I do not think we have the same issues -

**CHAIR** - That contradicts what you said a minute ago. You said you wanted them all done by the end of the year and you were confident -

**Mr JAENSCH** - Yes, I did, that was the original plan, but I am quite realistic we are not going to get there, given the events of the last 12 months and more. I am probably reshaping that. What I think is critical timing is when all of the LPSs are either fully approved and operating, all the others are into the stage of the process which has statutory time frames that define it. That will mean we will have a far better way of understanding when to expect the outputs out the other end.

We have made some amendments to legislation along the way, we have discussed those and you have supported them, which I am grateful for, to ensure there is as much certainty in those time frames as possible.

#### **4.3 Planning Policy and Reform**

**Ms WEBB** - I want to talk a bit more about the review of Regional Land Use Strategies, noting the state Budget has allocated \$3.45 million for the review of the strategies.

To date what has been achieved with the half a million allocated last year for the review of these strategies?

**Mr JAENSCH** - That is additional. I will ask Mr Risby to be ready to fill in some gaps. The \$550 000 allocated in last year's budget, there is a component of that has been identified for use in preparing residential land to supply and demand analysis and considering the growth strategies within the three Regional Land Use Strategy areas. Some of that and I will get Brian to refine this if needed, has been provided to councils and groups of councils to undertake some preparatory work about supply and demand of land in their areas.

**Ms WEBB** - Some of what has been provided?

**Mr JAENSCH** - Some of the \$550 000. Some of it has also been allocated to the development of templates and information that can be made available to all the councils so they do not have to create or acquire it individually. Then the additional funds from this budget

further supports that effort and the rollover into the reform process for the Regional Land Use Strategies.

**Ms WEBB** - I want to know more specifically what the \$550 000 from last year has delivered and have we commenced the review?

**Mr JAENSCH** - I am happy for Mr Risby to talk about this because there is a lot of work going on. Yes, we are commenced now into the Regional Land Use Strategy Review. But, in a lot of different places across the state, particularly when it comes to local councils reviewing their own needs for more land of different types and collecting their data on that. That is a necessary precursor to those larger strategic discussions about the Regional Land Use Strategies and is the work we have a rolling start on.

**Ms WEBB** - I have a number of questions relating to that but firstly, it is still looking backwards.

**Mr JAENSCH** - To the \$550 000 and how that has been applied.

**Mr RISBY** - The majority of that money is actually being rolled over into this but it was November we received additional money. During that time, the northern region was already progressing changes to its Regional Land Use Strategy which they had underway and we supported those through the PPU. The Metro Plan exercise in the south was gearing up too.

We have contributed \$50 000 to the Metro Plan process to help them do some initial work around the land supply issue also and the land banking issue the minister has referred to.

Currently, we have discussions underway with the northern region again for another round of review, which is costed around \$60 000 from our budget. We are also working with Brighton for infill concentration on land in the infill area of the urban growth boundary there which is in the range of about \$30-40 000.

**Ms WEBB** - Of the \$550 000, how much rolled over?

**Mr RISBY** - \$400 000.

**Ms WEBB** - As an external stakeholder, if I want to know about this review of the Regional Land Use Strategies, because you would imagine there are a number of external stakeholders out there who are pretty interested, where would I see a description of this process of where we are up to in and how might I be involved or at least understand what activities are underway? Where would I find that?

**Mr JAENSCH** - Mr Risby can talk about our web presence and the information there in a moment. We are currently developing a road map that lays out the time frame and process for the next stage of reforms including the regional land use strategy reviews. The initial stages that are underway now are very much about data collection at the local level, not the strategic future visioning processes that we would seek broader community involvement in.

There is also work being done to give us a better public facing information landing site for these reforms and the planning system in its various parts as well, which Mr Risby can speak to. This is where once we have that road map and that staged plan resolved, with working

with councils on that to make sure that it meets their capabilities and expectations as well, I would expect that is where we would direct people who are interested, who are looking to know how it is going to rollout. Do you want to speak to the road maps and website?

**Mr RISBY** - The additional \$700 000 in this Budget for the PBU, we have earmarked for three particular projects. They are foundational matters for the full comprehensive review of the strategies. One of those is to get the Tasmanian planning policies delivered and a scoping paper for that was released by the minister yesterday. The second part of it is to establish a better framework for doing the regional land use reviews than exists at the moment. That would be a process of some broad consultation on how these are prepared, who is engaged, what roles various players have in the system.

While that is all happening, the data gathering the minister referred to is going on plus dealing with the residential strategic issues which we know are needing urgent attention. The money we were referring to a few minutes ago will go to those short-term updates to the residential strategies in various locations. That does not need to wait while we get the policy settings and the framework right. We can do those things in parallel and then it will all come together into a comprehensive program for those regional reviews, probably at the end of next year. There will be a very significant public engagement process about those.

At this stage we have not mapped out entirely how it will happen but it will probably be led by each region in partnership with the state government and the councils, through regional organisations, as it was last time. Those processes will engage the community, based on the planning policies and that new framework. That is the sort of roadmap on how it will progress from here.

**Mr JAENSCH** - In this year's Budget there is \$450 000 which is intended to be able to support the regions to provide that coordination of those reform processes through regional bodies of councils.

**Ms WEBB** - What are they expected to deliver in this financial year with that \$450 000 given that the process is only just gearing up now? What is the expectation of what they will deliver under that funding?

**Mr JAENSCH** - We had proposals specifically from some of those bodies, including the Cradle Coast Authority. These identified the need to coordinate activity across them and the councils when it comes to acquiring data using common templates and agreeing on how they were going to build up the information to support the regional review. That may take the form of them engaging staff to provide that coordinating role or it may involve them using that to purchase consultancies, et cetera, so that for example rather than nine councils each individually going out and acquiring datasets or commissioning reviews of land supply they might issue a single contract. Is there anything else?

**Mr RISBY** - I don't think so. I don't think it is appropriate for us to dictate to the regions how they utilise those funds. There would be some steering oversight from the Government on how that happens and a coordinated approach but until we have had those discussions with the regions I would not want to pre-empt how that works.

**Ms WEBB** - We know that councils are variously sized and funded and their capacities vary a great deal between inner urban and regional.

**Mr JAENSCH** - We love diversity.

**Ms WEBB** - Would it be your expectation that the \$450 million that is going to the regional bodies -

**Mr JAENSCH** - That is \$150 million to each of the three.

**Ms WEBB** - To do that coordinating function, that it is to support and ensure that, say councils who have less capacity and less resourcing themselves, won't be imposed on in this process, that they will be supported? Therefore, there won't be a financial imposition say through to the councils themselves?

**Mr JAENSCH** - The principle objective is to ensure there is regional coordination of a process which is, by definition, regional. That Regional Land Use Strategy work, so to give them the means over and above what they do individually to be able to work together on these things.

**Ms WEBB** - Coming back to the earlier descriptions that were provided by Mr Risby, can I ask some more questions about that? The framework that is being developed that will articulate the process to be used for these reviews, when is it expected that that framework will be finalised?

**Mr RISBY** - The initial stage to that would be the release of a discussion paper for broad input into the types of issues we need to sort through in fleshing out the regional framework a bit more. We have done quite a bit of work on that already. I would like to think we could get that out by the end of the year. It is all about timing the different parts of this so that we cannot stand still now but we are not going to start doing the full reviews without that full picture available.

I would anticipate and I would hope that by the middle of next year we will have a fully-fledged regional planning framework which may require legislative change or it may not and that will then provide the framework for the full-scale reviews to take place after that.

**Ms WEBB** - Right now, coming back to the question I started this section with, as an external stakeholder, how would I know how this process is going to play out, given we are already in it. Activity is already being undertaken and we know there is disinterest amongst a whole range of stakeholders. They know this is planned. They are wondering what is going on, has it begun? They don't even know because you can't go anywhere to see that right now. Where is it communicated, these steps, these stages, and what is going to be occurring in each of them?

**Mr JAENSCH** - The framework Mr Risby was referring to relates to the formal process of developing, consulting, assessing, approving, the regional land use strategy. The road map of what we are doing, when, is a piece of information that we would expect to have far sooner than that and we would be communicating with councils and we would be making it available publicly.

**Ms WEBB** - Good. That is what I am interested to know about.

## PUBLIC

**Mr JAENSCH** - When do you think that would be ready for publication?

**Mr RISBY** - We have already done some work about that and earlier on you made reference to our website presence and I neglected to cover it off as the third part of that.

**Ms WEBB** - Is that number 3 of the \$700 000?

**Mr RISBY** - We will be using quite a substantial proportion of that \$700 000 to build the planning information part of the system to better communicate with stakeholders about what is going on. We have already redesigned our website in the Department of Justice as we currently are but we will have to look at how it fits.

**Ms WEBB** - I have some questions on that one later too.

**Mr RISBY** - The idea of that website is to break it into two quite distinct parts, one part that gives you information about the system as it exists and how it operates and who does what and then a reform page which deals with any reviews, any reforms that are underway. There is quite a distinct separation. We are conscious that the information about the planning system in Tasmania has diminished over the years, not that in my history it has ever been a huge amount in any event. We are building that. It is important that people understand who does what, how things work and where they go for more information. It is a significant part of the \$700 000 that has been given to us.

**Ms WEBB** - You know that my question now is going when will that website be complete and operational and a source of information? It sounds positive. I am pleased to hear about it and effective communication will be a positive measure to have in this space, but when?

**Mr JAENSCH** - That is our biggest challenger because most people only think about planning when it gets in their way and it costs them money and time. Somehow, we have to try to bring people into a bigger discussion about the purpose of planning. If we could get there then everyone would know far more what planning was for and why they are being asked to -

**Ms WEBB** - The provision of effective information is fundamental to that.

**Mr JAENSCH** - It is and getting people to read is the other.

**Ms WEBB** - When will the website be available and live?

**Mr JAENSCH** - In three weeks.

**Ms WEBB** - Excellent. I am sure there will be a lot of people pleased to hear that. While we are talking about a website -

**CHAIR** - Have you any more on this line item?

**Ms WEBB** - I have about half a dozen more.

**CHAIR** - We will probably need to take a lunch break and come back to it, minister.



## PUBLIC

**The Committee suspended from 1.01 p.m.**

**The Committee recommenced at 1.49 p.m.**

**CHAIR** - Welcome back.

**Mr JAENSCH** - What I have for the committee is in response to an earlier question in our State Growth discussion. I'm happy to table the breakdown of PESRAC recommendations and a status update on those as they apply to the State Growth portfolio.

**CHAIR** - Thank you. We will return to 4.3 Planning Policy and Reform.

**Ms WEBB** - I might backtrack slightly for one additional question. We talked about the website before our break and I wanted one further point of clarity. I was very pleased to hear about the revamping of the website and, hopefully, how that will facilitate much clearer information to the public and others, that will be going live in three weeks or so.

That was associated with some questions I asked about how external stakeholders would know about the process being undertaken to do a review of the Regional Land Use Strategies. When the website goes live, will external stakeholders and members of the public be able to go to that website to see how that process will proceed and have an understanding about where we're up to in the process?

**Mr JAENSCH** - I will ask Mr Risby to fill in any detail but we probably need to manage the expectations around that. I think there can be a description of the process. There are certain stages in the process where there is a public engagement piece. There's a distinction between the two. One will be 'this is what's going to happen in the broad timeframes', then there will be identified points in that process when people will be able to engage.

**Ms WEBB** - What I'm interested in is people being able to see the process laid out, including the points at which they will be able to engage, so in the first instance they can see what the process will be, what the steps will be, and the timelines around that. Otherwise, people are left in the dark then speculate, and that drives anxiety. Just that clear information about the process is what I'm interested to know.

**Mr JAENSCH** - Is there any further detail you have?

**Mr RISBY** - Yes. The intention of the breakdown of the website - just to clarify, this is a revamp of our current website - the additional money will allow us to improve that over the next 12 months. The intention is to provide that clear information about any reform or any review process underway.

As the Regional Land Use Strategy reviews are the end point of a number of foundational pieces of work, some of which are underway through the residential strategy work, but the planning policies, the framework for the reviews and so forth, we need to indicate how they all link together and the timeframes for each of those. That's a roadmap.

We released an indicative one of those several months ago, so that has been exposed to some degree. This will enable us to put some tighter timeframes on that now we have some funding to deliver those particular things.

**Ms WEBB** - When the website goes live in three or so weeks, people will be able to see that information there and understand this is the process and we're up to this stage of it?

**Mr RISBY** - Yes. We will put that up on the website, I won't guarantee that it will be available in three weeks but the idea would be to publish that roadmap of those stages towards a comprehensive review through that website. We also have a newsletter which we have a lot of subscriptions to, which goes to all sorts of community groups and stakeholder groups, in which we convey those things.

**Ms WEBB** - You would convey to them the full process, the step-by-step process and where we're up to in the process?

**Mr RISBY** - Yes.

**Ms WEBB** - I'm interested to know about the intersection between the review of the Regional Land Use Strategies and the Tasmanian Planning Policies. We talked last year about progress on the Tasmanian Planning Policies running in parallel to the review of the Regional Land Use Strategies. Where are we up to? I know there have been some very recent developments.

**Mr JAENSCH** - Yesterday I released a scoping paper for the draft Tasmanian Planning Policies for public consultation for a period of six weeks. This will be the first stage of us gathering people's views on what issues they believe need to be covered in the Tasmanian Planning Policies.

It has a preamble about where the planning policies fit in the overall Tasmanian planning system and what the intent of having them is. We're looking forward to Tasmanians engaging with that process and informing the drafting of a complete set of new Tasmanian planning policies.

We expect to have those drafts ready for further consultation, the new drafts themselves, early next year, in 2022. On the basis of that consultation, we will be able to finalise them in time for them to inform the strategic planning stages of the review of the Regional Land Use Strategies and also to inform the first five-yearly review and update of the state planning provisions, which are the zones and codes that make up our Tasmanian Planning Scheme, alongside the Local Provisions Schedules.

It is available publicly but I'm happy to table the TPP paper here today to form part of the record of this discussion and this week. There you go, formerly tabled. We will have another copy here somewhere if I need to refer to it. I just gave away my notes. I had all my clever lines written on it.

As per our previous discussion about the Tasmanian Planning Scheme and getting all the LPS's approved by the end of this year, we had hoped to be at a more advanced stage with the TPPs that we are right now. We had planned over a period of time to do things in a logical sequence. There have been some slippages for the reasons we spoke about before outside everybody's control, and we are quite comfortable with that.

We now believe it is quite feasible for us to have these resolved in time for the critical stages of the land use strategy review and the SPP review commencing in the second half of next year.

This is quite an important process, we have never had those sorts of policies at the top of our planning system before. In terms of that communication piece - we were talking about the importance of that before, my hope is that this creates the statement of purpose at the top of our planning system which then informs the other tiers of strategies and planning instruments and, through that, informs planning decisions.

It is a big stretch to hope that everybody will be engaged with that. We expect that people will only really think about the planning system when they need to, when it touches them.

What I trust is that having the planning policies in place will help us to explain why the planning system is as it is, that there are good reasons which are about the future of Tasmania that we have embedded in the planning system at the top.

**Ms WEBB** - We know that many of our citizens are very interested in the planning system in a broader sense, not just when it touches them personally. If we look at the overarching group, Planning Matters Alliance Tasmania has about 70 groups associated with it across the state.

**Mr JAENSCH** - I am well aware of their enthusiasm for the planning system.

**Ms WEBB** - Indeed, and they're award-winning at a national level in terms of engaging with community planning, so congratulations to them.

The first half of next year for the TPPs to feed into the framework that has been developed for the Regional Land Use Strategy -

**Mr JAENSCH** - To inform the review.

**Ms WEBB** - On the Regional Land Use Strategy review, what would be the governance arrangements around that review itself? I am particularly interested to know about how local government will be there as part of the steering of it.

**Mr JAENSCH** - This goes to some of those discussions about the regions and the work we are investing in through the Cradle Coast Authority, and similar organisations in the other two regions, to ensure coordination of the work. Also, we will be engaging, through those councils, their communities in the process of being involved in the Regional Land Use Strategy public processes.

As you may be aware, the way the Regional Land Use Strategies work at the moment, when a council, or a particular development with the support of the council, seeks to amend those Regional Land-Use Strategies, if we are to make any changes to them, we've set up a process which requires all of the councils that own that strategy as a region to give their consideration, their support to those changes. It will be the same when we build new ones and when we review the ones that we have. The strategy represents those councils' agreed planning vision for their region. They have ownership of that vision and will continue to have it under the new model.

**Ms WEBB** - Is there any articulation between the regional land use strategies and the new housing strategy that is meant to be a long-term significant piece of work given that it is in another minister's portfolio?

**Mr JAENSCH** - I'd anticipate they sit alongside each other comfortably and that they inform each other. In the TPP scoping paper released yesterday there's an example of where the TPPs fit, as an illustration of what their role is in the planning system. The TPPs on housing, liveability and settlements will articulate additional housing needs and what it needs to be able to address. That will inform the Regional Land Use Strategies which will then draw the picture of where that should be across each region and the state. The planning scheme and the SPPs will provide the planning rules about the standards and how that is to be delivered. So, that's the nested strategic work about demand and different markets. The projected footprint of housing will be part of that other strategic planning work -

**Ms WEBB** - That will be directly fed through?

**Mr JAENSCH** - They'll inform each other. I expect that the housing strategy will need to be implemented through the planning system. It can't just decide where it's going to put all the houses. It will be doing some of the work we would have been doing anyway in forecasting demand in different areas, different demographics and socioeconomic groups that we need to plan for. That will inform the TPPs and the regional land-use strategies.

We might expect that our action plan for climate change, our sustainability strategy for Tasmania, identified in PESRAC will also work alongside the development of the TPPs so that principles arising from those processes will be imbedded in our planning system. It's a way of catching them together. It's why it's a sensible idea to locate the PPU in DPAC at the centre of government. We're able to draw on a whole-of-government response. So, the housing strategy, population strategies, sustainability, State of the Environment in the future can be drawn in.

**Ms WEBB** - That makes a lot of sense.

**CHAIR** - Slightly more succinct answers otherwise you're not going to get to the other output groups that you have people out there waiting for.

**Mr JAENSCH** - I'm just trying to be thorough, Chair.

**Ms WEBB** - Last question.

**CHAIR** - One more, okay.

**Ms WEBB** - Will the State Planning Provisions Review be conducted in the first quarter of next year? What opportunities will the public have to participate in that process?

**Mr JAENSCH** - I understand it's due next year. I would not say the first quarter. I would say more likely towards the end of the year. The process, including the requirements for public involvement in the process, is laid out in the legislation. Mr Risby, is there anything else?

## PUBLIC

**Mr RISBY** - It makes sense to wait for the TPPs before we review the SPPs because they have to be reviewed in the light of the TPPs. It will be the second half. There is a statutory process but to scope what SPP issues are out there, we would go through a similar process to the TPP process.

**Mr GAFFNEY** - Four questions on the short-stay accommodation permits. How many short-stay properties in each region of the state are exempt from the permit system and for what reason? How many short-stay properties in each region have permits and how many do not have permits? Where owners of short-stay properties claim no permit is required, how many were checked in the financial year 2020-21. What is the oversight process for confirming no-permit-required status of short-stay properties?

**Mr JAENSCH** - I have answers to those questions and a document to table. In answer to the first question about how many short-stay properties in each region are exempt from the permit system, all the data collected in accordance with the Short Stay Accommodation Act is publicly available. It includes the number of short-stay properties in each local government area, both those that are exempt and those that require a permit. The data is routinely published on the CBOS web site every quarter with the most recent one being for the first quarter of 2020. I have brought a copy of that with me for tabling here today, Chair.

No short-stay properties are exempt from the permit system but not all of them require permits. They are still counted even though they may not have a permit. For the second question, how many short-stay properties have permits and how many do not have permits? Those numbers are in the report. Where owners of short-stay properties claim no permits required, how many were checked? We don't have that information. Compliance with those planning matters is the responsibility of each council as the relevant planning authority. The state Government does not play a role. Oversight processes for confirming the no-permit-required status is a matter for individual councils. With any permits they issue they can follow-up, check and issue notices.

**Mr GAFFNEY** - What do councils do with the information they collect? Who do they forward it to because if they are not forwarding it onto anyone, what is the use of collecting the information?

**Mr JAENSCH** - No, the third one was about how many were checked. It is the responsibility of councils to do that checking.

**Mr GAFFNEY** - And they are required by an act or they are required to do that checking because of?

**Mr JAENSCH** - As I understand it, similarly to other circumstances in which councils issue permits, their follow up is done when there is an issue raised or a complaint or a concern about non-compliance. They may also conduct spot audits and checks. I think it becomes a resource matter for them.

**Mr GAFFNEY** - Do they have to put in their annual report or do they have to report on that?

**Mr JAENSCH** - I might ask Mr Risby if he has any more advice.

## **PUBLIC**

**Mr RISBY** - I do not think so, Mr Gaffney. These are planning permits. It's the same as any other planning permit.

**Mr JAENSCH** - Another feature of the regulations is the provision of penalties for people who are listing their properties and the platforms on which they are listed to ensure their compliance. The intention of that is that the listing platforms will conduct a process of their own to ensure they are only listing compliant properties.

**CHAIR** - That completes planning. Before we close off completely, I understand you have been informed by other members of the House of Assembly - including the Greens - they are happy for you to release the agendas to this committee.

**Mr JAENSCH** - You are very well informed.

I have received confirmation from Ms Johnston, Dr Woodruff and Ms Dow who are happy for me to release the agendas of the meetings we have had so far. I have copies of those agendas being prepared for us so I can table them.

Thank you very much, Mr Risby. Thank you very much, Ms Crowder.

**CHAIR** - We will move on the Minister for Aboriginal Affairs.

### **DIVISION 10**

Department of Primary Industries, Parks, Water and Environment

#### **Output Group3**

#### **Natural and Cultural Heritage**

#### **3.3 Aboriginal Heritage and Land**

**CHAIR** - Minister for Aboriginal Affairs, could you introduce your team at the table and we will start off with Aboriginal Heritage and Landmarks Tasmania. You are welcome to make an overarching statement over both areas.

**Mr JAENSCH** - I welcome to the table, Mr Steve Gall and Ms Louise Wilson.

Madam Chair, I acknowledge the Tasmanian Aboriginal people as the original owners and continuing custodians of the land we are meeting on today and pay respect to elders past, present and emerging. I am deeply honoured to be Tasmania's Minister for Aboriginal Affairs.

The Tasmanian Government is committed to improving outcomes for Tasmania's Aboriginal people and the 2021-22 Budget funds a number of initiatives to support this as we rollout our plan to secure Tasmania's future.

Our goal is to see better outcomes for Tasmanian Aboriginal people, more opportunity for them and their families and a truly reconciled community. That is why this Government recently announced Professor Kate Warner AC will facilitate a process to understand directly from Aboriginal people how best to take our next steps towards reconciliation. Professor Warner, who will be supported by Professor Tim McCormack will deliver a report

to Government by October which will then be tabled in parliament later this year. In her report, Professor Warner will provide recommendations that will outline a proposed way forward towards reconciliation and the views of Tasmanian Aboriginal people on a truth-telling process and what a pathway to treaty may consist of.

The 2021-22 Tasmanian Budget provides a commitment of \$200 000 for the first stage of this important work. We are also committing \$970 000 over two years to support major Aboriginal policy reform initiatives, including drafting new Aboriginal heritage legislation following the finalisation of our review into the Aboriginal Heritage Act 1975 earlier this year, and our commitments to respond to the recommendations of that review.

These initiatives are in addition to other practical measures to support Aboriginal people in Tasmania, including ongoing funding for Aboriginal liaison officers under the Strong Families, Safe Kids Program, support for Aboriginal enterprises such as the wukalina Cultural Walk, projects to address family violence, Aboriginal organisations, local Aboriginal led events and the annual Young Aboriginal Leaders scholarship, new funding to work with Tasmanian Aboriginal to identify options for further cultural fisheries development in Tasmania, ongoing funding to enable the Cultural Management Group to continue its work with non-government Aboriginal organisations and other stakeholders on the management of cultural values in the Tasmanian Wilderness World Heritage Area, a program for Aboriginal Tasmanians to access important resources within the TWWHA and Aboriginal trainee rangers to work in our national parks and reserves.

All of these initiatives complement and contribute to the recently released Tasmanian Implementation Plan under the new historic National Agreement on Closing the Gap. This Government will be supporting the plan with an additional \$4 million directed towards building the capacity of Aboriginal community controlled organisations to better meet the needs of Tasmanian Aboriginal people, on top of the existing \$1.3 million committed in last year's budget. As the Tasmanian Implementation Plan was finalised after the Budget process the Closing the Gap funding is not reflected in the Budget Papers, but is committed and will be made available later this year.

The 2021-22 Tasmanian Budget is securing Tasmania's future and we will continue to work with all Tasmanian Aboriginal people to deliver better outcomes for them and their families right across the state.

**Ms WEBB** - I have a set of questions about land returns. I might go through them all because that way when you answer you can better cover them in a group. I wish to discuss the process, Improving the Model for Returning Land to Aboriginal Communities. Your ministerial predecessor released in 2019 the Consultation and Stakeholder Feedback Report, Improving the Model for Returning Land to Aboriginal Communities. Following the release of that feedback report that was then to inform a draft report to make recommendations to improve the model for returning land. Then, a second and more targeted consultation period with Aboriginal communities and other stakeholders was to occur before final recommendations were forwarded to the Government.

Given this was delayed last year due to COVID-19, can you provide an update on the subsequent steps to formulate a draft recommendation report and subsequent Aboriginal community consultation process? Has the Government discussed with representatives from the Tasmanian Aboriginal community a timeframe for potential land hand backs? If the land

returns model reforms have been placed on hold at this time while Professor Warner and Professor McCormack proceed with their process around paths to reconciliation and treaty, was that decision to place the land returns process on hold first discussed with the Aboriginal community and was it agreed to across the key Aboriginal community stakeholders?

**Mr JAENSCH** - The Improving the Model for Land Return process has been underway and there have been people waiting for it for quite some time. We are well aware of that. We remain committed to it. It has been interrupted by a couple of things. As you rightly identify, one has been COVID-19. Originally, our intention had been to be consulting on ways earlier this year. It has not yet happened. The election has been a bit of a disruption of the timeframe we have been working on and the other thing is we have had a focus on our resources in this year, on delivering the Closing the Gap process. They explain some of the delays.

The other factor which you correctly identify is we have commissioned Professors Warner and McCormack to commence their process. Our department is working on a set of policy directions, responding to the consultations we've had so far for improving the model for returning land. I intend to receive that at around the time that Professors Warner and McCormack will be reporting the findings of their first round of discussions on pathway to treaty. I want the land-return model discussion to be informed by those initial discussions that Professors Warner and McCormack have had, and the directions that arise from that for what we do next regarding reconciliation.

So, these important policy processes are informing each other, and the delivery of the Warner and McCormack report later this year will be sort of a hold point, where we will align the work to the extent that we can. I didn't want to be out with proposed new policy directions regarding land without having heard what they have heard in their discussions. I would like one to inform the other, and I think that lines things up.

**Ms WEBB** - So, the third part of the questions that I've put to you remains unanswered, which was about putting things on hold, while you're waiting for the Warner and McCormack process to play out. Was that decision to place the land-returns process on hold first discussed with the Aboriginal community, and was it agreed to by those key Aboriginal community stakeholders across the state?

**Mr JAENSCH** - I can't say that we sat down and had a series of discussions of decisions about time frames. We've certainly always spoken with them about our intention to be progressing the model for returning land this year and having further consultation. Events like the election and the announcement of the policy decision to commence the pathway to reconciliation discussions involving Professor Warner were the decisions of Government. So, what I'm doing is aligning this process with those other pieces of work that are underway.

In this year, we've also had the Closing the Gap consultation, with the risk of putting a lot of pressure and expectation of Aboriginal people and organisations to participate in multiple consultation processes that overlay each other. There's room for there to be confusion between them. So, to the extent that we can possibly coordinate these things with each other, we'll do so.

**Ms WEBB** - In what fashion have you interacted with the key leadership stakeholders of the Aboriginal communities of Tasmania to discuss how best to coordinate, as you say, those



range of things that are in play at the same time - to co-design with them a process that would best allow our Aboriginal communities to be participants in them all?

**Mr JAENSCH** - At this stage, we don't have a single central consultative mechanism that we use for those sorts of discussions, but my office and my department engage with Aboriginal people and organisations daily and weekly on a range of different matters. The Closing the Gap process refers to some of these other heritage and land processes in its context, so there has been some engagement regarding that. The timing and management of those policy processes has been something that we as Government have done through this year, in response to events like elections and the decision to proceed with Professor Warner's process.

**Ms WEBB** - Did the key leadership organisations for Aboriginal communities around the state receive some sort of form or official communication from you about the land-returns process being put on hold until the other process plays out with Professors Warner and McCormack?

**Mr JAENSCH** - I won't describe it as being put on hold, because there is work progressing on it. It's just a question of the timing of our consultation.

**Ms WEBB** - The one we've been waiting for since 2019?

**Mr JAENSCH** - Different stages of it, yes.

**Ms WEBB** - They haven't been informed about the delay being tied to the delivery of the Warner and McCormack report?

**Mr JAENSCH** - That is a sensible and practical issue, rather than a strategic one. We're just managing the workflow.

**Ms WEBB** - I am most interested in the communication around it, minister. I am not challenging the advisability of doing it. Given that that the consultation and stakeholder feedback report was brought down back in 2019, the next stage was expected to be a draft report with recommendations that would then be consulted on with the Aboriginal communities.

Those communities have been waiting since 2019 to be consulted about the draft report with the recommendations. Yes, we've had COVID-19, and then we've had a series of other things that have been within Government control.

I am interested to know about communication, and whether the Aboriginal communities have been clearly told where we're up to with the status of this land-returns process, and what to expect in terms of when it will re-emerge.

**Mr JAENSCH** - When the question has been raised in my discussions with those organisations and people, we've expressed the situation as we see it, and what our practical plans have been. That has changed over time.

What I can't point to is that we got everybody in and agreed ahead of time that that's what we'd do. We have regular engagement with many groups. We know some are very keen to see this work progress; some less so. Some are quite happy with things the way they are. But

across the board, we know there is interest in this work. The best way to do it is to align at least that first stage of the Kate Warner process.

**Ms WEBB** - Would all of the key leadership organisations understand that this is the plan, and that time line is in place? That is what I am trying to get at with the communications. It wasn't formal, as you've described; it's come up in discussion.

**Mr JAENSCH** - It has not been formal, as those who have discussed this recently with us would be aware.

**Ms WEBB** - But you can't say for sure that each of the leadership organisations would understand it's your clear intention to do that?

**Mr JAENSCH** - No.

**Ms WEBB** - It sounds like a communication gap.

**CHAIR** - If there are no other questions, we will move to 4.4, Aboriginal Affairs.

## **DIVISION 2**

(Department of Communities Tasmania)

### **Output group 4**

#### **Disability Services and Community Development**

#### **4.4 Aboriginal Affairs -**

**Mr JAENSCH** - I welcome to the table Professor Michael Pervan, Secretary, Department of Communities Tasmania; and Ms Mellissa Gray, Executive Director, Department of Communities Tasmania.

**Mr DUIGAN** - Minister, this output aims to improve social, cultural and economic outcomes for Tasmanian Aboriginal people, and promote greater understanding and respect for culture. I note that there is a bit of a bump in the Budget this year in terms of funding.

I am interested in the Connected Beginnings Program. Can the minister update the committee on how Aboriginal children and their families will benefit from a new partnership between the Australian Government and the Tasmanian Government that will help them get ready for school?

**Mr JAENSCH** - We recognise that to close the gap, we need to start from the beginning. This means giving Aboriginal children and their families access to the full benefits of the full range of health and education services they need to thrive and be ready for school.

Today I am pleased to announce that more Tasmanian Aboriginal children and their families will benefit from a new partnership between the Australian and Tasmanian Liberal governments that will help get them ready for school. The Connected Beginnings Program has been progressively rolled out since 2016 and targets Aboriginal and Torres Strait Islander communities in need around Australia. It is a proven program that brings together local

communities to improve the lives of Aboriginal children from birth to primary school and has been shown to lift preschool attendance rates, as well as vaccination rates and paternal health.

The program goal is for every child to be safe, healthy and ready to thrive at school by the age of five by ensuring that children are engaged with services such as childcare, preschool, playgroups and have regular developmental health checks. Through a joint \$1.4 million investment the Tasmanian and Australian governments will establish two new Connected Beginnings sites in the Burnie and George Town regions, in addition to the existing site in Bridgewater in the state's south.

Importantly, Tasmania's contribution is in addition to our existing Closing the Gap funding and will achieve outcomes for Tasmania's Aboriginal children and families that are aligned with our implementation plan to Close the Gap. This initiative also supports the state's first Child and Youth Wellbeing Strategy, which has a particular focus on the first thousand days of a child's life. The two new sites will give kids in Burnie and George Town who need extra assistance, the best possible start in life and help them make the most of their early school years. The existing Connected Beginning's site in Hobart has already made a significant impact for kids in that area and I am pleased that local kids in both Burnie and George Town will be able to access the same opportunities.

Our Government is proud to partner with the Commonwealth to deliver the funding for this important program and to note the involvement of Aboriginal control organisations in the delivery of the program in line with the priority of our Closing the Gap Implementation Plan.

**CHAIR** - The intersection with the Child and Youth Wellbeing Strategy and the focus on the first one thousand days is commendable because that includes the pregnancy as well as the first three years of the child's life. For a variety of reasons, a lot of the families disconnect and Aboriginal families are no different. They often lack confidence or feel excluded because of past history and this is often intergenerational.

What specific measures will you be taking under this area of your responsibilities to seek to engage with these difficult to engage families? They are not just Aboriginal families we are talking about here but I want you to focus particularly on the Aboriginal families or the children of Aboriginal families in this regard.

**Mr JAENSCH** - I will ask Mel to fill in the details but the principle here, which is the one embedded in the new Closing the Gap approach is that culturally appropriate, culturally safe services delivered to Aboriginal people by Aboriginal people and their organisations is where we need to go. In the past, Closing the Gap has identified statistical disparities between Aboriginal and non-Aboriginal Australians in their life outcomes and expectations. In the past, that has been responded to by putting more resources into the existing services but it hasn't worked. The aim this time around, and this is an example of it, is to invest in Aboriginal communities themselves and their capacities to provide services the right way to their own people, as well as to a broader segment of the community as well.

Is there anything you can add to that?

**Ms GRAY** - First, I acknowledge the work of our Coalition of Peaks partner, the Tasmanian Aboriginal Centre, and Heather Sculthorpe in particular, on the production of Tasmania's first Closing the Gap Implementation Plan. The minister was right to draw the

committee's attention to the key priority reforms in the plan. They aren't just strengthening Aboriginal community controlled organisations. They are about transforming government and working in new ways in partnership with Aboriginal people and Aboriginal communities and having a focus on data and information and data sovereignty.

Their key reform priorities are equally applicable to other areas of complex social policy so it is really exciting to be working in this area. There is a real opportunity because we currently have in our Department of Communities the priorities for Aboriginal Affairs and Child and Youth wellbeing sitting together. I was also responsible for developing the Child and Youth Wellbeing Strategy. There are a number of intersections in the 57 actions and the eight strategic policy actions, so 65 actions in total covering \$100 million over four years.

There are a number of intersections with other initiatives that we will be able to leverage for outcomes under the Closing the Gap implementation plan. In particular, if we look at the Connected Beginnings initiative those sites are all collective impact sites in Tasmania, George Town, Burnie and the Jordan River. These sites work in very closely with the child and family centres. Those initiatives will work in partnership also with other key initiatives in the Child and Youth Wellbeing Strategy that relate to women in pregnancy, like Bringing Baby Home is an initiative where we try to maintain at-risk children or women who during their pregnancy have an unborn baby alert. We work with them pre-pregnancy and then after the birth of their child.

**CHAIR** - Not pre-pregnancy because you don't know you need them then. Pre-birth.

**Ms GRAY** - Thank you for that. It would be good if we got in pre-pregnancy, however, intensive support brought before and after to maintain that relationship with the mother and the child. There are a number of other key initiatives under the Child and Youth Wellbeing Strategy that are specifically focused on the first 100 days. They are sizeable investments and we are determined to make them count for Aboriginal people in communities as much as they do universally for all Tasmanians.

**CHAIR** - How many Aboriginal or midwives who identify as Aboriginal work in each of our services that provide maternity care?

**Mr JAENSCH** - I don't have that information to hand. That could be something we could seek from the minister for Health. We might have that in association with some of the Closing the Gap data. We can take that on notice.

**CHAIR** - You have spoken about and said that it is important to have culturally sensitive services and you need to have midwives who are locally connected. Birthing on country is quite different from our western way of doing things. If you look at what happens in the mainland with some of the Aboriginal communities there, if they don't birth on country their baby often doesn't thrive. It really is a massive issue that is not well understood. If you are going to focus of the first 100 days after conception then you really need to have that sensitive approach. We will put that on notice, if you can't get it because it crosses over Health as well as this one then I can access through other ways.

**Mr JAENSCH** - If it is relevant to the portfolio. I am happy for us to make the inquiry.

## PUBLIC

**Ms FORREST** - The number of midwives who are Aboriginal across each of the regions where maternity services are provided.

**Mr JAENSCH** - All I am thinking of is the number of midwives who are Aboriginal is one thing. I am not worried about that. I don't know if we collect information on how many midwives are Aboriginal or not rather than if there are Aboriginal midwives available to people who are seeking for there to be an Aboriginal midwife.

**CHAIR** - That is the other way of looking at the question, in terms of our maternity service, which takes me back to Health. Then how do you provide a culturally sensitive framework for those Aboriginal women?

**Mr JAENSCH** - Like we provide liaison officers in the Child Safety system I mentioned earlier on. This is a similar interface of cultural - safety is important, yes.

**CHAIR** - You made the point also of the importance of cultural safety and I have spoken about this with the Premier and the Minister for Health. If you want to engage some of our Aboriginal communities in the vaccination program, you need to have Aboriginal health workers who are actually participating in that.

Are you aware of our access to Aboriginal health workers in these communities can be part of because we know how vulnerable - as we are seeing it in New South Wales at the moment - some Aboriginal communities are in that state. Are you aware of work done to ensure we have access to Aboriginal health workers that can assist in the program?

**Mr JAENSCH** - These are the very sorts of matters laid out in the implementation plan on Closing the Gap in reviewing the availability, coverage, need for, etcetera, those services to be culturally safe and how many Aboriginal people are available or engaged in delivering those services. I do understand, though, in regarding our vaccination rates our most remote Aboriginal communities on Flinders Island, Cape Barron Island, adults are close to 100 per cent coverage of vaccination so far, very high coverage there.

**CHAIR** - That is because you have gone to them.

**Mr JAENSCH** - Exactly.

**CHAIR** - With people who understand the people there.

**Mr JAENSCH** - That know what they are doing. Exactly. That has been a priority. Across the rest of the state in communities we are participating in those national discussions about how we ensure uptake of vaccinations in Aboriginal communities that reflect the vulnerability of those communities and that is an ongoing piece of work.

**CHAIR** - Sure.

**Ms WEBB** - To clarify, when I look at the table 2.2 on page 53, the output group Expense Summary on this line item, and take us to the footnote against that line item, it seems to indicate there was an underspend in the last financial year in this area and that is rolled over. What reason there was for an underspend and what amount has been rolled over into this financial year?

**Mr JAENSCH** - Introducing Rod Fazackerley.

**Mr FAZACKERLEY** - I will talk to the movement between the two years totals and then the rollovers. As you said, table 2.2 there moves by about half a million dollars from \$1.9 in the prior to \$2.4 in 2020-21. Primary reasons for that - I will pick out the major issues for you - are additional funding of \$225 000 for election commitments under the Local Community Facility Fund. That one is probably not that identified so I will explain further. If you go to page 37 on table 2.1, Key Deliverables - item about half a dozen up from the bottom - which is Local Community Facilities Fund \$12.4 million. In there are a range of election commitments relating to both built and non-built community facilities, as it suggests.

Out of that \$12 million there were two specific items for this output group, Aboriginal Affairs and they are \$75 000 for the federal Belam Walls Aboriginal Heritage Interpretation Walk which includes trail realignment and \$150 000 to the South East Tasmanian Aboriginal Corporation for construction of a new Fanny Smith Museum and Interpretation Centre, so \$225 000 all up. In addition to that, there's the \$200 000 the minister has already mentioned about Aboriginal reconciliation which is the Kate Warner body of work.

Then there is \$278 000 rolled over for Closing the Gap. A further amount which is the same number in thousands is correct, not a confusion of another \$278 000 for the Reset rollover, offset by a similar amount in terms of a removal of a prior year rollover. The other significant item there is the reallocation from one agency to another, between the Department of Communities Tasmania and DPIPWE for the payment to the Aboriginal Land Council of Tasmania, which is \$314 000. The grant is still being paid as previously, just moving responsibility from one agency to the other.

**CHAIR** - I have not been watching the most recent coverage on Many Colours One Direction plan, except I know your intent is to transition away from that to other services. Can you tell us what the plan is for that?

**Mr JAENSCH** - That is not one I have leadership of, it sits with Ms Courtney in Children and Youth. Certainly, there is still an element of wanting to have an on-country component and recognition of how that cultural element has been an important factor in the successes MC1D has had to date that we want to ensure is carried across into anything that replaces it in future. In terms of this portfolio right now, I do not have further detail because I am not in the room with them. I wonder if Mr Pervan or Ms Gray might be able to -

**CHAIR** - I am wondering, this is to support Aboriginal youth who will benefit from engagement with cultural practises. I am interested in your perspective as the Minister for Aboriginal Affairs. There is a program that sits with another minister, but I thought you would have had some input and oversight over that, being as you are the Minister for Aboriginal Affairs.

**Mr JAENSCH** - Yes. I commenced the process with the MC1D expert panel review process and we recognise the cultural and spiritual aspects of what was delivered in MC1D as the important success factor for Aboriginal and non-Aboriginal young people. Ms Gray, do you have any further update on whether the Aboriginal young people's interests have been specifically addressed in the review so far?

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**Ms GRAY** - Two Aboriginal people were members of that expert panel. I work with my colleague in the Department of Communities Tasmania about responses to the recommendations made by that panel, but beyond that - I think because the Government has just received that report - we are still working through those issues, unless there is anything else the Secretary would like to add, of course.

**CHAIR** - There is a desire to transition away from that to a more locally-based -

**Mr JAENSCH** - I would probably defer to Ms Courtney in the first instance in terms of the recommendations and Government's response to those.

**Ms WEBB** - For this cohort, though, a very good announcement just this afternoon, about Ashley Youth Detention Centre closing in three years' time and new models of youth detention, hopefully, not even detention but youth support to be provide to those cohorts. It has resonance in this space also.

**Mr JAENSCH** - Indeed.

**CHAIR** - The proportion of children and young people who identify as Aboriginal is probably higher than the average you would expect to see in Ashley.

**Mr JAENSCH** - It is, but it fluctuates because the numbers on the whole are so small. A change of one person can lead to a 10 per cent increase or decrease, so we need to bear that in mind. Young people's interactions with the justice and corrections systems is a key issue being discussed in the context of Closing the Gap. There are national and state targets for that.

**Ms WEBB** - In relation to the Closing the Gap Report and the Optional Protocol for the Convention Against Torture , on page 50 of the Closing the Gap Report it says it has been announced the Commonwealth will provide funding for OPCAT - I presume to be implemented - subject to discussions with state and territories with the relevant ministers for Aboriginal Affairs. As the Minister for Aboriginal Affairs, have you had interactions with the Commonwealth Government about funding to support OPCAT in Tasmania flowing from the Closing the Gap Report?

**Mr JAENSCH** - I am happy to take that on notice. I am not unfamiliar with OPCAT but I don't have a status update that I can comment on today.

**Ms WEBB** - I will put that to you on notice.

**CHAIR** - Are you clear on the question, minister?

**Mr JAENSCH** - Yes, thank you. And thank you to Mike and Mel.

## DIVISION 10

Department of Primary Industries, Parks, Water and Environment

### Output Group 3

#### Natural and Cultural Heritage

**CHAIR** - Welcome back, minister for Environment, for your second last portfolio area, and I invite you to introduce the members of your team at the table and then make an opening statement if you wish regarding this aspect of your portfolio.

**Mr JAENSCH** - I welcome Ms Louise Wilson, Deputy Secretary of Department of Primary Industries, Parks, Water and Environment (DPIPWE); and Mr Wes Ford, Director of the Environment Protection Authority (EPA).

I am proud to be minister for Tasmania's environment and an advocate for our natural places and our unique species.

Our Government has a clear agenda to secure Tasmania's future and we know that sustainable practices and responsible management are vital to the ongoing use and enjoyment of our environment by future generations and its ongoing ability to support us.

Our Government is pleased to be building our circular economy and progressing our important waste and resource recovery reforms. We remain committed to implementing a waste levy and introduction of a container refund scheme. We are investing \$4.5 million in improved management of organic waste in Tasmania and \$3 million to partner with industry to invest in a crumbed rubber plant to help meet our commitment to use crumbed rubber in our road resurfacing program.

The Tasmanian Government is also committed to phasing out single use plastics by 2025 and together with the Australian Government's funding and industry contributions, we are investing \$20 million in Tasmania's plastic recycling industry. We have also made significant investment in the protection of our threatened species, committing \$300 000 for a review of the Threatened Species Strategy and \$1 million to implement recommendations in the Swift Parrot Recovery Plan.

Importantly, yesterday I announced the structural and organisational separation of the Environment Protection Authority from DPIPWE into a standalone independent state authority. The separation will clarify and strengthen the actual and perceived independence of the EPA and provide certainty when it comes to the role of the EPA. Further, with legislative changes it is expected that the separation will also increase the integrity of environmental assessments in the future. I

It is also our intention to expand the EPA's responsibility for environmental assessments in Tasmania, increase transparency, as well as meet recommendation two of PESRAC's final report by providing the EPA with additional resources to undertake assessments. The separation will result in the policy and government-led functions remaining with DPIPWE while the statutory functions, including assessment and regulation, remain with the EPA, clearly separating these roles.



Legislative amendments to the Environmental Management and Pollution Control Act (1994) will be required to give effect to the change to clearly delineate the roles of the EPA and DPIPW and clarify the actual and perceived independence of the EPA. I am pleased to be able to confirm that Wes Ford will remain on in the role of the Director of the EPA. A new deputy secretary position will be created to manage the non-statutory environmental policy component of the work. We expect that the new arrangements will commence as of 1 December this year. The proposed new model will ensure public confidence in environmental regulation in Tasmania and promote certainty for proponents. I understand this will result in significant changes for some staff and I want to reassure them that we are committed to ongoing communication and consultation throughout the process. I understand that they were provided with briefings as of the announcement when it was made yesterday and I thank them all in advance for their cooperation in making this important change.

I thank the staff of EPA Tasmania and the Natural Cultural and Heritage divisions for all their hard work and their assistance to me over the past year. I look forward to questions from the Committee.

### **3.5 Threatened Species**

**CHAIR** - I will go to Bastian who is a threatened species.

**Dr SEIDEL** - Earlier today I asked whether there were any concerns for you as minister for the Environment that the State of the Environment Report has not been released since 2009. Listening to your introductory remarks you said you were an advocate for the environment. Did you advocate to yourself that it is probably a good idea to make extra resources available to the TPC to ensure they can meet their statutory obligations in releasing a State of the Environment Report every five years?

**Mr JAENSCH** - I am an advocate and an enthusiast for my responsibilities in this portfolio to the extent that I commissioned a review of the TPC, who were the responsible party for delivering the State of the Environment Report to ask if they the right organisation to be doing that and what form the State of the Environment report should take in the future? They have confirmed that they believe that structurally that was not the right home and source for that work so now we have asked an inter-departmental committee to bring us recommendations on where it would be better done, including who will use it and for what. We need a fit-for-purpose State of the Environment Report. To some extent, the fact that operations of government have been able to proceed without a State of the Environment Report being updated for a number of years is perhaps an indication that the backwards-looking reporting mechanism of the State of the Environment hasn't been essential to a number of other statutory functions of government.

**Dr SEIDEL** - Do you believe it is not necessary to have a State of the Environment Report?

**Mr JAENSCH** - If we were to have State of the Environment Report, it needs to serve a clear purpose, and it needs users and other processes of government that draw on what it produces.

**Dr SEIDEL** - So, without a State of the Environment Report, have you received all the information you need, that allows you to exercise your duties as Minister for the Environment?

**Mr JAENSCH** - I will ask the Director of the EPA, in terms of conduct of his statutory functions, how he has secured the information he needs, in the absence of an updated State of the Environment Report.

**Mr FORD** - In order to perform duties from an environmental protection point of view, we take contemporary advice from a range of sources within the department, internally generated within the EPA, or from other external parties that are looking at things that are happening right now in the environment.

If it's to deal with threatened species or flora or fauna, the advice we take through the department is contemporary and relevant. If we're looking at air quality information, then we're responsible for that and we generate that.

What was in a State of Environment Report that was written four or five year ago is of less relevance, from an assessment regulatory point of view, than contemporary information available through the scientists who are available as part of the decision-making process.

**Dr SEIDEL** - Minister, again, a very plain question: do you need a State of the Environment Report, yes or no? Is that necessary for you? I hear what you said, but you haven't had one since 2009, and it doesn't seem to make any difference.

**Mr JAENSCH** - Maybe not. That's what the interdepartmental review will, hopefully, be able to tell us. It could well be that they say we'd be better off with a real-time streaming of up-to-date information through a portal, rather than a report that's delivered every five years.

**Dr SEIDEL** - Would you change the act accordingly?

**Mr JAENSCH** - We would consider whatever recommendations come up and make changes if we need to, as I mentioned earlier.

**Dr SEIDEL** - What is your personal view, as Minister for the Environment?

**Mr JAENSCH** - My personal view is that these decisions are best made when you have good advice in front of you.

**Dr SEIDEL** - Have you received any advice in that regard?

**Mr JAENSCH** - No.

**Dr SEIDEL** - Do you believe you have been very capable in conducting yourself as Minister for the Environment without having a State of the Environment Report?

**Mr JAENSCH** - The processes that I am responsible for, including those that Mr Ford just spoke of, result in acquiring the information they need in order to make timely decisions, based on the best available information at the time.

**Dr SEIDEL** - Are you aware of any other state environment ministers who also believe they don't need five-year State of the Environment Reports, or even your Commonwealth counterparts?

**Mr JAENSCH** - I haven't spoken to them about that.

**Ms WEBB** - Minister, I have a follow-up question from when we spoke about this in the last portfolio area. Given that the next national State of the Environment Report is due in early 2022, what Tasmanian information or data has been provided to the Australian Government to feed into this? Have we interacted with that national report process?

**Mr JAENSCH** - I am advised that the national reporting process is largely collecting publicly available information from across jurisdictions, and that Tasmania has played a role in contributing information into that process.

I will ask Mr Ford if he has any further detail to add.

**Mr FORD** - The process started about 12 months ago with calls for public submissions and contributions. The Commonwealth State of the Environment Report is being written by a panel of about 12 experts. They collected a range of information from a range of sources and are responsible for writing about 12 chapters.

A number of those chapters are currently being reviewed for finalisation. I am aware that at least three chapters have been referred to Parks for review as they relate to Tasmania - so terrestrial parks, marine parks and heritage.

As the reviewers are finishing their chapters, they are providing them to various sources. Because this is a national process, they have had hundreds of submissions and they have drawn information from a range of public sources.

So yes, Tasmania has contributed, but being able to specifically identify how our contributions have been used is of course quite difficult.

**Ms WEBB** - Minister, given that information about Tasmania's state of environment has been able to be provided and collected at a national level, and they will be reporting on it, what level of embarrassment do you have that this has occurred at a national level, and has not been able to occur at a Tasmanian level since 2009?

**Mr JAENSCH** - None at all. As Mr Ford reflected, there is a range of information that is publicly available in Tasmania which is being collected to contribute to the national report.

**Ms WEBB** - Which could easily be collected here at a state level?

**Mr JAENSCH** - It is already available. That is the thing, it is already there.

**Ms WEBB** - It is not collected into a report. We have obviously provided not just publicly available information, but actively through to the national report, and yet we have not been able to do that here at a state level. I feel quite embarrassed about that on our behalf.

**Mr JAENSCH** - When we were having our planning discussion earlier on about this being the responsibility of the Tasmanian Planning Commission, we talked about the process that the Government has now initiated to review that arrangement, so that we have a relevant and fit-for-purpose report being produced in the right place, and in the right format - which is

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contemporary, and not necessarily a five-year-old backwards-looking report as a bound book. It might be a quite different form these days.

**Ms WEBB** - Having neglected to provide the funding for the last decade?

**Mr JAENSCH** - No, I do not think you can draw that connection.

**Ms WEBB** - That is what we established in our last discussion.

**Mr JAENSCH** - You did not. There was a question asked and taken on notice as to whether the TPC had sought funding specifically for that purpose.

**Ms WEBB** - What was known was they did not have the funding in order to do it.

**CHAIR** - Order.

**Mr JAENSCH** - And you will get a response to that question. You cannot make things up.

**Ms WEBB** - Excuse me, minister, I am not making anything up.

**Mr JAENSCH** - Well, you are. You are drawing your own conclusion before having an answer.

**CHAIR** - Order. Let us not get into an argument. I am going to move to another question.

**Ms WEBB** - Chair, I have just been accused of making things up. I would just like to be clear about what I was saying, to establish that I was not making things up.

What we did establish in our last conversation was that it was a known reality that the TPC did not have adequate funding to produce the State of the Environment report, and that has been known for quite some time, and the Government, having known that, had not provided the funding. That is what I think we established in the last conversation.

**Mr JAENSCH** - No, because there is a question on notice specifically seeking clarity on whether the planning commission asked for funding specifically for that purpose.

**Ms WEBB** - That is not what I am talking about. That is fine. We can leave it at that.

**Dr SEIDEL** - The minister just said that we are relying on publicly available data when it comes to the environment -

**Mr JAENSCH** - No. There is publicly available data, but Mr Ford also spoke about a range of different sources from which he draws information for his statutory roles.

**Dr SEIDEL** - That is correct. For this particular point that I am going to make about threatened species uses data about the swift parrot from BirdLife Tasmania and Australia. As you know, according to that data that is available, we have probably around about 300 swift parrots in Tasmania, and in the area -

**Mr JAENSCH** - Sorry, that is not data.

**Dr SEIDEL** - that has been earmarked for the Mount Wellington cable car development, there are probably around about 75 parrots on nesting areas.

As Minister for the Environment, are you concerned that your Government is supporting the cable car development, and if you are concerned about that, have you had discussions with your other ministers and colleagues?

**Mr JAENSCH** - In your preamble to your question, you made references to population data regarding the swift parrot. Just before that passes into the record unchallenged, I understand that the sort of numbers you are referring to are not primary data. They are the results of a new form of modelling which has been applied to estimating populations, rather than it being data from a survey of the birds in the wild.

In the second part of your question, you referred to the Government's support for the Mount Wellington cable car project. That is a development application proceeding through the LUPA assessment process. I understand it is now subject to an appeal in RMPAT, which is part of the normal planning process for projects of that kind. It is an appeal process that the proponents or others are entitled to trigger. That project is subject to all of the normal and necessary environmental assessment and approval processes, including those for threatened species if they apply.

I'd like to update the committee. We have at the table Tim Baker, secretary of the Department of Primary Industries, Parks, Water and Environment, and Dr Rachel Alderman, manager of Threatened Species and Conservation Programs.

**Dr SEIDEL** - Minister, are you concerned about swift parrot nesting in the Mt Wellington area that is earmarked for the cable car?

**Mr JAENSCH** - I am responsible for the threatened species legislation in Tasmania. I am diligent about that and concerned about the circumstances of the species that are listed under that act. I am also confident that we have in our resource management planning system a range of protections and referrals that can ensure that any development is assessed and all of its impacts taken account of through relevant processes.

When you talk about land being earmarked and Government support, it makes it sound like it's our proposal regardless of any of these other things. That is not the case. It is an independent commercial entity that is putting forward a proposal. It is being assessed through our planning system. Our job is to assess it.

**Dr SEIDEL** - I think there might have been media releases from the Premier or Mr Ferguson to say that the Tasmanian Liberal Government has always strongly supported the proposal for a Mt Wellington cable car. Are you concerned about those media releases? Have you been consulted as Minister for the Environment knowing that, based on some data, we have 75 nesting areas for a critically endangered species in that area?

**Mr JAENSCH** - Nothing changes. Any development proposal needs to be assessed under all the relevant state and Commonwealth, if they are triggered, assessment and approvals processes. I am confident we have a system of those assessments that is up to the job.

**Dr SEIDEL** - As Minister for the Environment, not being a member of the Hobart City Council, are you concerned that a critically endangered species is potentially losing habitat due to a major project development? How can you reconcile that knowing there is a national recovery plan for the swift parrot, that points out that those developments should be of concern? They are critically endangered.

**Mr JAENSCH** - My answer won't change from the last one I gave. I am confident that there is a process in place. This is not down to my opinion or anybody else's, this is down to our threatened species legislation and the passage of a proposal through all the necessary assessments and approval processes.

**Ms WEBB** - Minister, I was interested that you took issue with the data provided by the member for Huon regarding the number of swift parrots in the state. He mentioned the figure of 300 and you took time to explain that wasn't necessarily an official or credible figure.

**Mr JAENSCH** - No, I didn't, I said it's not data.

**Ms WEBB** - Okay. Can you provide me with the data for the number of swift parrots currently thought to be in Tasmania?

**Mr JAENSCH** - I reiterate quite carefully, it's important that when we have different methods of estimating populations that we don't refer to them all as data, which implies that someone has gone and counted the birds. When you use genetic variability through a model to determine a likely possible scenario, that's a different thing to data. I'll ask Dr Alderman, to give her answer regarding what our understanding of the population of swift parrots may be.

**Dr ALDERMAN** - The swift parrot is an incredibly difficult species to monitor for a range of reasons because of its biology and behaviour. It's really hard to get a precise estimate of the number of birds that are in the population. The genetic method that the minister referred to is one such estimate but there's also best-guess estimates and other indices of looking at abundance.

It's really tricky to count individual birds. Our best available estimate based on all those different methods combined is suggesting 750 birds plus or minus quite a lot. Less than 1000 is probably the most recent robust estimate.

**Ms WEBB** - If we went with that 750 figure, regarding it as an estimate, then the 75 nesting sites affected is fairly substantial.

**CHAIR** - Comment or question?

**Ms WEBB** - I think that was a comment.

**CHAIR** - I have Bastian for another question.

**Dr SEIDEL** - Do you believe that the swift parrot is critically endangered?

**Mr JAENSCH** - Of course I do. It's a fact. It's listed under definitions. Yes.

**Dr SEIDEL** - Just for clarification, when we look at the Tasmanian status it would be endangered and the descriptor on the department's website is, 'those species in danger of extinction because long-term survival is unlikely while the factors causing them to be endangered continue operating'. This is development proposal will significantly interfere with their habitat. Do you think that's going to reduce the numbers of swift parrots or do you believe it's not going to make any difference?

**Mr JAENSCH** - The parrot is listed as endangered. A range of factors affect its survival or recovery and are laid out in the recovery plan. There is a review under way of the recovery plan for the swift parrot. The Government has committed \$1 million over four years to invest in priority activities emerging from that.

Current recovery actions under way addressing threats to the survival of the species include removing the protected status of the sugar glider to facilitate management of this predator in Tasmania, supporting genetic analyses that increase our understanding of the species and factors that may be contributing to its at-risk status, supporting the establishment of perpetual conservation covenants to protect breeding and foraging habitat on private land and working with the Forest Practices Authority to develop adaptive management prescriptions to support regulation of forestry operations in Tasmanian native forests and other measures.

There are many levers to pull. We're working with many of them. We're committing more resources than before to ensure that we continue doing good work to assist the recovery and survival of the swift parrot.

**Dr SEIDEL** - Are you looking at offsetting in case the cable car development goes ahead?

**Mr JAENSCH** - If the Mount Wellington cable car proposal, which is currently going through the appeal process, was to proceed, any conditions of approval will be set by people who have expertise in this field working under relevant legislation. It's not a matter for me to have opinions about. I'm not the qualified regulator in these areas and I will defer to those who are.

**Dr SEIDEL** - You're the Minister for Environment.

**Mr JAENSCH** - It's my job to ensure that we have competent assessment processes in place and the right people to drive them to provide good advice on any proposal that is brought through our planning system.

**Dr SEIDEL** - Have you sought any advice from those experts or from your department in regard to the swift parrot habitat in the Mount Wellington area?

**Mr JAENSCH** - That advice is triggered by the process regarding that particular proposal which is not my proposal.

**Dr SEIDEL** - You haven't asked for any advice as yet?

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**Mr. JAENSCH** - It is not my job to seek advice and pass judgment on an individual proposal as the minister for the Environment.

**Dr SEIDEL** - But your Government is supporting the proposal.

**Mr. JAENSCH** - The Government supports the idea of a cable car on Mount Wellington and has for quite some time. This is a specific proposal and it needs to be assessed through all the relevant regulations.

**Dr SEIDEL** - Which you are supporting?

**Mr. JAENSCH** - We are supporting a cable car on Mount Wellington as a good idea and I think the majority of Tasmanians do as well. It has been shown over and over again. When it comes down to submitting a proposal to build one that specific proposal needs to be assessed on its merits against all relevant legislation and regulations.

**Dr SEIDEL** - So you support the idea but not the actual project?

**Mr JAENSCH** - No, I think you are trying to make me say things that you want me to have on the record. I trust that *Hansard* will be listening to what I say.

**Ms WEBB** - Can I have a follow up to that. I am going to step back away from any specific proposal or scenario that has been discussed. So that we can understand the role. You are the minister for the Environment and threatened species comes under your purview there. In terms of you and your department and any development, not a specific one but just any development that is proposed and is coming through the system to be looked at and potentially approved. Is there a role beyond a provision of data? Is there any role that looks like advocacy for certain species if it is deemed to be potentially detrimental to the threatened species that are identified by your department as priorities for us to be addressing?

Does the threatened species part of your department that you are responsible for just provide data that then becomes part of the discussion and the planning approvals process or do you actually make a submission? If your department provided you with advice that there was something critically concerning in regards to threatened species for a particular proposal, could you and would you step in to that space potentially to make a representation on behalf of the threatened species?

**Mr JAENSCH** - I will ask the secretary if he would like to make comment on how the department's involvement is triggered in assessment processes?

**Mr BAKER** -- There are few points I would make up front. We have approximately 40 staff in our Threatened Species branch in Private Land Conservation branch and in the specific programs that we run for specific animals. The devils, OBPs and a range of other species and that has stayed pretty much consistent for the past 10 years despite what you may or may not have heard in the media. That has pretty much been the same for the last 10 years. In addition to that we have 300 staff who work in Parks who are land managers who are very closely linked to threatened species. The other point I would make is that we have Wes Ford down the end of the table so if a project - let us remove it from the cable car - any project that was of national significance obviously triggers Wes's processes.



**Ms WEBB** - I am not thinking about the national process.

**Mr BAKER** - It they could be a threatened species which is the thing that triggers that process. In addition to that, part of the role of those 40 staff is to go through a process of assessing species in Tasmania and categorising them into the categories that Dr Seidel has already talked about. If there is a main piece of advocacy in my mind about how we protect threatened species it is through that process of assessing numbers and making recommendations to the Independent Scientific Advisory Board for Threatened Species who then make recommendations about listing statements.

In the event that a species is deemed to be threatened then we do the work around threatened species plans and threatened species statements, so that is really our place. To your specific question, as secretary I would be very uncomfortable about the department advocating in any way around a proposal as it relates to threatened species because we have an approval and permitting process that we have to go through. We are the regulator, for lack of a better word, of threatened species.

From our point of view, to bring it back to this proposal, it is a proposal. It has not LUPAA approval. Once it gets to a point where that happens then an assessment will need to be made as to whether or not threatened species permits are required and whether or not the department is prepared to recommend to the minister that those permits be required.

**Ms WEBB** - That would be the point of intersection with the process, where the minister might then, in that sense, advocate for threatened species?

**Mr BAKER** - The minister has a decision to make. We make recommendations on that but ultimately the minister has the decision and in some cases the secretary under delegation to make a decision about what we loosely call to take threatened species. That is a permitting and approval process. I reinforce my point, it is not our role to advocate either way, any more than it is Wes's role to advocate for a project either way. He is the independent environmental regulator.

**Ms WEBB** - I am not speaking about advocating for or against a project. I am talking about advocating for the threatened species. For example, a species that is identified through our processes as threatened, and we have a plan how to try to preserve that species. I am talking about the instances where a development application may be readily assessed by the department to impinge on our plan to preserve that species where the point is that the department or minister becomes the advocate for the threatened species and for our plan and can intervene or at least have a say.

**Mr BAKER** - We are right into hypothetical territory but in the circumstance where the department deems the risk is too great to the threatened species, we would recommend to the minister not to provide a permit or we would not provide a permit under delegation.

**Mr DUIGAN** - From swift parrots to orange bellied parrots, I believe last year's breeding season was a good one. Could the minister provide an update on the orange bellied parrot program in Tasmania in anticipation of this year's breeding season?

**CHAIR** - Has he been out watching?

**Mr JAENSCH** - I did go out on Tuesday to Five-Mile Beach to our Orange Bellied Parrot Captive Breeding facility to visit the birds. There are more parrots in that facility partly because the balance of the wild ones are about to come home. They are on their way back. They are breaking out of lockdown in Victoria and about to head south to sweet home Melaleuca, which is being prepared for them by our excellent orange bellied parrot team.

Cool burns have been undertaken earlier this year in Autumn to stimulate more growth in their forage species. Extra nesting boxes have been put out and birds in the captive breeding facility are being paired now. Juveniles are being prepared now to be released to join the returning wild breeding population to boost their numbers, a big boost for the genetic base of the population available to breed more parrots.

Last year was a successful breeding season, with a record flock of about 193 birds heading north on their annual migration, which is more than has been recorded since the monitoring program began back in the 1990s. From this month, we are expecting to see the first of those birds returning in September.

**CHAIR** - Do you count the returning birds as well? You know how many went. Is there a little ticker they come past?

**Mr JAENSCH** - It is only the ones that come back that matter.

**CHAIR** - Do you wonder how many didn't make it?

**Mr JAENSCH** - It is fairly simple maths because the numbers are fairly small. This is not data. This is a count. This is data. So, 51 birds returned last year, the previous record was 35 so after a record breeding season and a north-bound migration we are hopeful and looking forward to starting to see them return home. There will be supplemented food, the enhanced natural forage, the breeding boxes and lots of eager volunteers and researchers who will be watching their every move as they come back.

We invested \$2.5 million in the new captive breeding facility. It doubled our capacity. It's the home of most of the captive-bred birds in the broader program and it's doing its job, it's working well and it gives us great heart that this most endangered parrot on the world has a fighting chance of rebuilding its numbers and maybe having a successful future.

Again, I'll just put on the record my thanks to Rachel and people like Shannon and Lisa out at Five Mile Beach and Saint and all the crew who are working hard to achieve these results for the orange-bellied parrot.

**CHAIR** - Minister, you said they're about to escape from lockdown. How many are in lockdown?

**Mr JAENSCH** - They're essential travellers.

**CHAIR** - They're essential travellers. Do you know how many of them there are?

**Mr JAENSCH** - We know how many went. They're quite good at hiding. They've been spotted in a number of locations, including locations where they haven't been seen for some good time, like the Coorong in South Australia. They're turning up in some areas they haven't

been seen before but there's not been, as I understand it, a confident count of the total number who made it for the northern leg. What we do know is that Melaleuca is the only place they breed, although they're turning up in some new areas around the historical breeding area. There will be people in Victoria and down along the west coast and down at Melaleuca who are all looking for them as they come back down.

**Mr BAKER** - Minister, if I may, I do think it is worth saying, fingers crossed, we are entering into the world's best recovery of a parrot, let alone a bird. That's how significant this program has been, from where it's come from to where it's going.

**CHAIR** - In terms of the impact of climate change, which is not yet your portfolio but will be on Monday, you say you're seeing the orange-bellied parrot in areas it doesn't normally come. Is there work being done to understand that, because you may find that Melaleuca is not the prime breeding ground if climate change is impacting where they appear even on their northern flight?

**Mr JAENSCH** - I'm far from the expert and I'll defer to those who are. But when I asked that question about the breeding area of Melaleuca, what was thought was that we are seeing birds turning up in areas a bit further away from where the breeding population has usually been partly because there's more birds around and they're moving out into fresh territory. But I'd ask Rachel -

**CHAIR** - In the vicinity?

**Mr JAENSCH** - In the vicinity, not in a completely new area.

**CHAIR** - Not going to the East Coast or something? No.

**Mr JAENSCH** - Rachel?

**Dr ALDERMAN** - I guess it still is very early days. The numbers, although on an encouraging trajectory, are very tiny so we're not seeing the full suite of what a recovered species would look like. How far are they distributed under a non-climate change scenario versus what would they look like under a current scenario, that's years away.

But in terms of impacts of climate change, or other threats, on the orange-bellied parrot, that is one of the unknowns. We're not 100 per cent sure what has actually caused the decline of this species. Lots of theories. But it's hard to pull out the relevant information when you have such a small sample size, such a small number of birds, as to what's driving both declines and increases. Climate change is certainly a factor that needs to be accounted for.

**CHAIR** - You have three points in the performance information being removed as not really relevant, minister. There's a new one - assessment threatened species status. Regarding what we've just talked about, the positive signs for the orange-bellied parrot, how will this performance information give us some indication of what's going well and what's not?

**Ms WEBB** - How are we to interpret it?

**CHAIR** - This doesn't tell me really what's happening with the threatened species that we already know there are. The good news is good to put in budget papers too, minister, so

I'm not sure that if these are being removed, what's to be put in to give us some indication about what is happening here?

Are there more species becoming threatened? Less? Is there a recovery? It seems that we are taking out three of them and potentially leaving a couple, or three, two at least specific to the devil, but they are being removed.

**Mr JAENSCH** - There have been changes to the metrics in the report. Two of them relate to changes in the status of threatened species listed under the Threatened Species Protection Act (1995). Changes in listing status are influenced by a range of factors including, but not limited to, the availability of new information and the focus of interest of the research community at a given time; they can't, therefore, be predicted or directly controlled by the department.

To better capture the original intent of the set of measures, which is to demonstrate that the department is doing its job and providing substantial administrative support to ensure the effective functioning of the scientific advisory committee, we've modified the measure to a more output-based metric. We are measuring 'Is the department actively doing the job that it is meant to do?', which is a different thing to 'How are the species performing?' -

**CHAIR** - Did you say output?

**Dr ALDERMAN** - Yes, he did, because that is what it is, it's just activity.

**CHAIR** - So you are focusing on outputs, not outcomes?

**Mr JAENSCH** - What you are measuring is the activity of the department and how it has done its job.

**CHAIR** - You can do as much activity as you like, you could run around the block 10 times but if you die at the end of it, that's not much good.

**Mr JAENSCH** - But the performance of the species in the wild is a different thing entirely. These changes came about partly because of some comments made in these Estimates hearings last year by Dr Seidel. I would ask the secretary if he -

**Dr SEIDEL** - If I may, Chair, if you read what I said last year, it wasn't clear to me whether we have more or less threatened species because the outcome markers didn't make sense. The new outcome markers are not much better either. The only difference within the year is you have now updated your website, as of 1 September, with the updated list of threatened species. But it is still not clear whether we have more or less threatened species in Tasmania.

**CHAIR** - And is the work of the department helping to support the species that are threatened to become unthreatened? Running around the block, as I said is activity, yes, you can count the number of laps you do. But if you do not count whether you are fit at the end or you drop dead from a heart attack at the end, it does not make much sense.

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**Mr JAENSCH** - But the outcome in terms of those metrics might be driven by factors completely outside of the control of the department in doing its work. Can I ask the secretary if he could fill in those gaps?

**Mr BAKER** - Firstly, the concept of the performance measures is they're performance measures for the department. That does not mean that the information that's been removed is not important, that it shouldn't be displayed. What is being proposed is that we will move to a new model where we will take that information and include it as part of our regular disclosure on the website. It will be directly after each of the meetings of the scientific advisory committee and we will make it more public and more transparent, and it will be more often.

The other point that I had, reflecting on your comments from last year, was the scientific advisory committee who makes these recommendations is an independent committee. The department having performance measures around decisions they are making is not very good governance at all. There could absolutely be a perception that what we are doing is trying to convince them to move the numbers one way or another in order to meet the performance target.

When that came to me and we discussed it, I was very concerned about that. So, the plan is to make the performance measures about things the department does and controls, and move this information, which is important and should be on the website, into our regular disclosure, so you can go to the website and see it, because it's important information, not necessarily important information, not necessarily important information about the performance of the department.

**Dr SEIDEL** - Saying that, you are reporting, for example, the number of devils within secure metapopulations. That is also, probably, not necessarily [inaudible] managed.

**Mr JAENSCH** - It is something we manage.

**Mr BAKER** - Although we manage a devil recovery program very specifically, which is why it's there.

**Mr JAENSCH** - Does that include things like the breeding population?

**Mr BAKER** - Yes.

**Mr JAENSCH** - Which we actively manage, which is not about the overall numbers of individuals. It is about that population we are managing for specific purposes, including their impacts on other species in the local environment.

**Ms WEBB** - Have you read the footnote for that one? It is being removed after this year because it is not regarded as useful.

**Mr BAKER** - The other comment I would make is the comment I made last year absolutely stands and, to be honest, Dr Seidel, was proved in-house last week. When we start to play around with these performance measures, acting in good faith, we always end up in this situation with conspiracy theories we are doing it for other reasons. To be honest with you, that is not what we are doing. We are trying to get a good solid set of performance indicators

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for our department and move any of the others that are important information into the disclosure space.

**Ms WEBB** - I would like to put on the record that absolutely no member of this committee has put forward any conspiracy theories of any kind.

**Mr BAKER** - I did say that was downstairs, Ms Webb, that is where they tend to emanate from. I know you think we are operating in good faith.

**Ms WEBB** - There are no conspiracy theories around this table.

**CHAIR** - The member for Windermere has lots.

**Mr DUIGAN** - Yes.

**Ms WEBB** - The members of this committee are interested in seeing meaningful performance indicators. We engage with you on that basis.

**CHAIR** - To try to explain what many of us have spoken about for a long time across this table and with other ministers is that performance information that describes outcomes, not only outputs, is important, particularly in Health and areas like that because the number of operations does not mean much if all the patients have poor outcomes. It is about the work you do, yes, but how is that benefiting the areas for which you have responsibility? I do not think we across the table will criticise a genuine attempt to have an outcomes-focused performance measure. I appreciate the explanation about putting a lot more of that information on the website so anyone can look, but in terms of scrutinising a budget, is the money allocated to this portfolio and line item being well spent and is it value for money?

**Mr JAENSCH** - The corollary to that is, should the budget papers be the place where you go to see how threatened species are performing?

**CHAIR** - In that case, probably not, but in terms of assessing the allocation to this line item, if there was a significant decline in the wellbeing of threatened species and we ask why you are not paying more money to rectify it, if that is what it takes, what is it that is the problem, is it a lack of resources? They are the questions we do ask about the TPC, does it need more resources?

**Mr JAENSCH** - Yes, and where the budget paper should show what the allocation was to various areas of activity that are aligned to those other outcomes.

**Ms WEBB** - There are over 600 flora and fauna species listed as threatened. Obviously, not to list them all out, but how many are listed as endangered, how many vulnerable and how many rare, what the breakdown of that 600 is? I have some other questions after that if you are able to answer.

**Dr ALDERMAN** - Currently, there are 681 species listed. We do not have a critically endangered category under our Threatened Species Protection Act, by the way, which is why the orange-bellied parrot's endangered under our legislation and critically endangered under the EPBC Act.

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Under endangered, we have 27 species endangered presumed extinct. I cannot break it down into flora and fauna at this stage. We have 220 species endangered known to be extant, 121 vulnerable species and 313 in the rare category.

**Ms WEBB** - In each of those categories, how many of the species in each of those categories have a recovery plan?

**Mr JAENSCH** - 180.

**Ms WEBB** - Can you describe them across those categories - where they sit, please, so I can match the numbers up.

**Dr ALDERMAN** - In terms of which level of category has a recovery plan?

**Ms WEBB** - That is right. For example, the 220 you described in that category of endangered - not the extinct ones, obviously, we have not got a recovery plan for those, I presume - but of the 220, for example, of endangered, how many in that category have a recovery plan? Then, likewise, for the 121 in the vulnerable category or the 313 in the rare.

**Dr ALDERMAN** - That is not something I could answer here, but we can get that information for you easily, yes.

**Ms WEBB** - I would like that information.

**Dr ALDERMAN** - In fact, it is on our websites but might not be super-easy to extract so we will, yes.

**Ms WEBB** - As a meaningful performance indicator, what proportion of the species that are identified in each of those categories have a recovery plan in place? Maybe that is a meaningful performance indicator, because it is about the activity of the department and the unit so we could say to ourselves, 'Right, of our 220 endangered species we have recovery plans for 80 per cent of them.'

**Mr JAENSCH** - I want to insert another little thing into this. At national level, there is some review underway as to where recovery plan is the best tool for the job of ensuring we have a statement about what is required to promote the survival and recovery of listed species to the aim of reserving the need for recovery plans to species where there are highly complex or controversial management requirements or management across multiple jurisdictions. There are other forms of listing which can contain sufficient relevant information to guide management of those threatened species as a conservation advice or listing statement.

Maybe Tim or Rachel might comment on either of those, just before we're assuming too much about what 'recovery plan good', 'not recovery plan bad', what are the other options in terms of tools for managing those species.

**Dr ALDERMAN** - There is a performance measure around the percentage of threatened species covered by a listing statement, not a recovery plan specifically.

**Ms WEBB** - What does that mean?

**Dr ALDERMAN** - Under our legislation, for a species listed as threatened on our schedules, it requires a listing statement to be developed. That is a form of conservation plan or document. It lists the background to the species, the biology, the reasons for which the species is threatened and the actions that are needed to protect or manage that species.

Listing statements are a requirement and we are working through doing as many of those as we can on a prioritised basis. Recovery plans are a voluntary conservation planning document. They are more complex and do go through a much more intricate administrative process so they do tend to be reserved for those species more challenging to manage.

**Ms WEBB** - Noting those figures there in the performance information table sitting under 50 per cent for listing statements, going back to the categories and the numbers we discussed before, are you able to provide me with the updated information about how many of each of those categories have had listing statements done for them - of the 220 endangered, of the 121 vulnerable, the 313 rare?

That would be our most meaningful measure then to see the proportions across each of those categories of whether at the minimum an assessment has been done about what we would need to consider for recovery or management.

**Mr JAENSCH** - You've asked for a breakdown of what the distribution of those statements completed would be across the different levels of threatened status. We would be happy to take that question on notice.

**CHAIR** - Is that the only question on notice now?

**Ms WEBB** - I understand that listing statement is a better measure than recovery plan so I am happy to have that.

**Mr BAKER** - Excuse the animal pun but it is horses for courses. It depends on the animal and it depends on the threatened status about whether a management plan or a listing statement is a better option. The only other factor to consider is that there are joint management plans between us and the Commonwealth. Updating those is very difficult and very time-consuming and requires both parties to come together. Swift is going to be one of those, for example.

**Mr JAENSCH** - Partly because it migrates.

**Mr BAKER** - That's right. It is not just our animal.

**Ms WEBB** - The review of the threatened species strategy is overdue. It was released in 2000. You have announced an allocation of \$300 000 for this review. Can you provide detail on the scope and terms of reference for the review, when it will be completed and who will do it, that is the department or externally? Is the review a review of the strategy document in order to produce a new strategy document or is it a review of the implementation of the previous strategy since 2000? Or both?

**Mr JAENSCH** - The commitment in the Budget is \$300 000 to undertake a comprehensive review of our own threatened species strategy to provide a contemporary framework for conserving Tasmania's threatened plants and animals. The Tasmanian and



Australian Governments are continuing to work together to improve the consistency and efficiency of respective legislation. There is now work on reviewing the national threatened species strategy that our department is participating in. Other work under way includes the review of our threatened eagle recovery plan, implementation of priorities from the swift parrot recovery plan and a review of our Save the Tasmanian Devil program. That work will inform our comprehensive review of our threatened species strategy. That is why it is not commencing earlier. It is towards a couple of years out and a lot of work is going on in the meantime that will inform how that work is done.

**Ms WEBB** - Is there a time frame for that?

**Mr JAENSCH** - The work is mainly done in 2023.

**Dr ALDERMAN** - The \$300 000 funding commitment was for 2023-25, but we are progressing this initiative early with lessons from other initiatives such as the Australian Government's comprehensive threatened species strategy approach and other initiatives we're working through. We start scoping, planning and setting up the frameworks and terms of reference.

**Mr BAKER** - In the likely event that the threatened species work is finished then the expectation is that the money in the out years will be used to help implement any initiatives that come out of that strategy.

**Ms WEBB** - The scope and terms of reference are not yet developed but we're beginning it early?

**Mr BAKER** - Yes.

**Ms WEBB** - Nods all around. Is it being done within the department or will there be involvement from external stakeholders or elements done externally?

**Mr JAENSCH** - I understand that some of the related processes that Dr Alderman has referred to are done collaboratively with the Commonwealth. With our threatened eagles work we are bringing in expertise from outside, researchers and people who work in industries that have been interacting with threatened species. The work of producing the final product end will be done in-house.

**Dr ALDERMAN** - Yes, that is right. The intent is to have someone internally leading the process but it will be very consultative. Engagement with all necessary stakeholders is still to be worked out.

**Mr BAKER** - I guarantee that we will have very engaged stakeholders involved.

**Ms WEBB** - I imagine so. You mentioned specific programs that are currently being reviewed. Is the review an evaluation of the strategy that has been in place since 2000 in order to inform a new strategy and therefore a visible or publicly available evaluation of the strategy to date?

**Mr JAENSCH** - Dr Rachel says, 'yes'.

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**Ms WEBB** - Minister, are you able to provide details of any wildlife and wildlife product interstate export permits granted over the last three years, including the number of permits for each year and the number of wildlife exported per permit?

**Mr JAENSCH** - We might have to take that on notice. This is threatened species, wildlife is probably with Mr Barnett.

**Mr BAKER** - We can get you the DPIPWE information on this.

**Ms WEBB** - Thank you.

**Mr JAENSCH** - I can't authorise you to do that.

**CHAIR** - There are other avenues to get it. We need to stick to the things that this minister is responsible for you.

**Ms WEBB** - I will put that aside for another time.

Minister, you informed the House of Assembly Estimates hearing yesterday that the Scientific Advisory Committee (Threatened Species) met twice last year. Was that the correct figure?

**Mr JAENSCH** - Yes, I believe that's the correct answer.

**Ms WEBB** - Is that the standard frequency that the committee meets?

**Mr JAENSCH** - I will ask Dr Alderman to answer that question.

**Dr ALDERMAN** - It is somewhere between two meetings with an ideal of three or four if we can resource that. It is a big workload for the members of the committee who are doing this for very little remuneration. We need to balance out -

**Ms WEBB** - Thank you. What's the current membership of that committee and what triggers meetings to be held or called and, therefore, the frequency of them?

**Mr JAENSCH** - I am happy for you to answer that if you have that information. We can provide any other detail on notice if needed, like the membership.

**Dr ALDERMAN** - I can answer easily in relation to whether there is anything that triggers them and no, we aim to schedule them at a semi-regular basis simply to move through a workload and a workflow. The membership of the committee is stipulated in the legislation, the kind of representation and expertise that needs to be contained within that committee. Part of the reason we have had two meetings in this last year is because we have had to go through a process of reappointing members to the committee. There has been a little hiatus but we are in the process of setting up the committee in its new form. I can follow up with details of the relevant roles and participants but that is also freely available on our website.

**Ms WEBB** - Minister, on the matter of Tasmanian devils and we are all completely in agreement on the need for us to do everything we can to secure their long-term viability and health. We would also probably be aware of the matters that arose when we introduced them

to Maria Island as an insurance population and then the flow-on effects to other wildlife on Maria Island, particularly to the little penguin colony. What progress has been made to mitigate the impacts of the devil insurance population upon other wildlife on Maria Island which should be a refuge for all native wildlife?

**Mr JAENSCH** - The advice I have is that devils were first introduced to Maria Island in 2012 as a management action in response to the threat of extinction posed by the devil facial tumour disease. That was a time when we were looking at how we could 'lifeboat' some disease-free devils into an environment where they could be preserved as an insurance population. Maria Island was selected from a suite of possible offshore islands based on a range of criteria and a risk assessment. That risk assessment accepts that when you put devils into an environment they eat other animals and birds and things. The assessment of the risk to the other fauna on the island was part of that assessment and also the vulnerabilities of those species generally - not just their populations on the island - was taken into account.

As our understanding of and our management of the devil facial tumour disease has progressed and as insurance populations and breeding programs and monitoring of wild populations in other places has also progressed, the status of that population changes a little bit. As I understand it, we are now in a position where the devil population on Maria Island is being actively managed to keep it in a population range where its impacts are known and acceptable. They are real but it is not a population which is growing and growing and eating everything. Its impacts are being managed but its impacts and risks to other species are accepted as part of the cost of having a wild population of devils which anywhere you put it will be eating other animals.

That is my understanding of how we are managing that risk. I would ask Dr Alderman if she has anything else to add to that or anything she needs to fix in my answer.

**Dr ALDERMAN** - No, minister, you did a great job. I would add that Maria Island is an island that has had a history of introductions and that was one of the reasons it was chosen. There are many introduced species in there. It is not as though devils were introduced to a pristine island and have had an impact. We are managing the devils down to the lowest level that can meet both outcomes of achieving the goal of having a managed population out there while keeping it within acceptable limits.

We are also in the process of reviewing where the devil is at more generally and the lessons learned over the last 20 years and looking at what the future holds for our devil program and for our management and intervention going forward. Considering the role of the insurance population in that is absolutely part of the remit.

**Ms WEBB** - In terms of managing that insurance population on Maria Island and keeping it within a size where the impact is what would be deemed to be acceptable, does that mean we are culling devils on Maria Island?

**Mr JAENSCH** - My expectation is that we are removing them and putting them elsewhere. We are not that spoilt for devils at the moment that we can afford to do that.

**Mr BAKER** - I can 100 per cent guarantee we are not culling devils.

**Mr JAENSCH** - What we are doing, and it is in this Budget, is investing \$450 000 a year over the forward Estimates that was not there before, to maintain our overall investment in the Save the Devil program at some \$1.45 million. That means it has the resources to do its work, albeit changing work because the status of the devil and our understanding of the trajectory, living with facial tumour disease, is a moving feast and the strategy is being reviewed but it will have resources to do what it needs to do.

**Ms WEBB** - Regarding the little penguin colony on Maria Island, are we remediating it after they were decimated by the devils or are we accepting that the presence of devils will mean we do not have those little penguins in the same way on Maria Island?

**Mr JAENSCH** - Again my broad understanding is that the species of the penguins is not one that is threatened at this stage. It is doing well at other sites but in the future if the mix of predators is changed on the island, it has the opportunity to re-establish there in healthy numbers. Is that an adequate answer?

**Ms WEBB** - Yes, minister.

**CHAIR** - We might have a 10-minute break and then we can then finish off the rest of your portfolio responsibilities after that.

**Mr JAENSCH** - So is that for Environment finished?

**CHAIR** - No, threatened species is finished. We have got EPA, analytical services, capital investment to go.

**Mr JAENSCH** - Okay, I just did not want them to nick off and have trouble getting them back.

**The Committee suspended from 4.07 p.m.**

**The Committee recommenced at 4.17 p.m.**

## **Output Group 7**

### **Environment Protection and Analytical Services**

#### **7.1 Environmental Management and Pollution Control -**

**Mr JAENSCH** - I introduce a new arrival at the table - Darryl Cook, Manager of Waste Initiatives.

**Dr SEIDEL** - Minister, in your media release you said the new independent EPA would have an expanded role in environmental assessments. What other assessments is the EPA expected to perform?

**Mr JAENSCH** - Thank you. Part of what is possible when we separate the regulatory and statutory roles of the EPA from the policy-making, industry development and other aspects of DPIPWE, is that we put in the EPA those parts of the former, broader department of primary industry, parks, water and environment that are involved in doing those environmental assessment works.

Across government, there's a range of other portfolios or legislation under which environmental assessment is also required. The thinking is that we have the ability to make a single, central team of people who can provide all of the assessments that government processes and regulatory processes require in one place, doing it the same way and building a very skilled group of people who can do that. There might be staff involved in that unit who are performing a range of assessments under the EPA header that were previously conducted in other parts of government.

**Mr BAKER** - Particularly the department.

**Mr JAENSCH** - Yes.

**Mr BAKER** - Through you, minister. DPIPWE is a large department, and it has lots of bits of environmental protection and assessment in it, and there are lots of permits that we're required to provide. The thinking is that we want to move to a model, ultimately, where there is one environmental assessment for one project. There might be multiple permits issued, but we want to get to the point where it's the EPA's job to do that assessment, and it's done at arm's length from the rest of DPIPWE in a separate entity.

I want to be clear, though, through the minister, that I don't think we'll get there in one big jump. Obviously, the EPA will be responsible for that environmental assessment role to begin with, and then between now and December, the director and I will work through what makes logical sense to move into the EPA. This will be phased in as we go, and it's just about getting a practical fit. So, the director and I have already started that discussion.

**Mr JAENSCH** - The other sense in which there may be a broader range of roles for the EPA in the future is if we continue to proceed through discussions with the Commonwealth regarding development of an MOU, a bilateral agreement, under which Tasmanian regulators may be able to perform assessments and decisions under federal legislation, under the EPBC.

There is already bilateral agreement, under which the EPA, as it is now, conducts a range of assessments under certain components of EPBC consideration, but the decisions are still made in the federal government.

We're a strong supporter of the single-touch approach that's been talked about for some time, because it reduces duplication, and the possibility of a bilateral agreement that includes approvals as well. It was partly with that in mind that we took this step. If we were going to have our EPA involved in decision-making under an agreement with the Commonwealth, having the most robust, independent structure for that statutory authority was a good move, too.

**Dr SEIDEL** - So, you decided to announce the independent EPA during budget Estimates week. Are there any additional funds available for the new EPA, or is the new EPA expected to manage the expanded role with the existing funds? What's your thinking on it?

**CHAIR** - Can I add to that question. Where are the funds if there is additional, because I thought it would have been marked up?

**Mr JAENSCH** - This is a policy position about creating the separation, which has taken some time to resolve. It's going to happen in stages. The first stages involve moving people around within existing functions and creating new departmental, back-of-house structures for that. There will be a requirement for new positions, including the replacement of Mr Ford's deputy secretary role or equivalent in DPIPWE, when he fully moves over to being director of the EPA. A range of other positions may be required.

We anticipate that we'll be able to give effect to the overall structural change in this calendar year, to start, but there will be some additional costs, and we will expect to see a request for additional funds come through to cover those costs.

**Mr BAKER** - I think the way I would describe it is that there will be a practical separation, so Mr Ford can practically separate. We can do that practically now. We can go ahead and remove Mr Ford from the deputy secretary role, and appoint a deputy secretary of Environment. We can make it clear to staff who's going to land where. We can move staff physically around within our Hobart and Launceston offices.

After that, in the new year, there'll be, as the minister has outlined, a series of legislative change to reinforce these changes.

**Dr SEIDEL** - Good, because we really do not want to see an EPA being asked to do more with less because we just heard earlier today. It is the TPC has also been asked to do more with less and they just could not do the job,

**Mr JAENSCH** - No, it is not and it is -

**Dr SEIDEL** - - so it would be a shame if that happened for the EPA.

**Mr BAKER** - Part of these changes also allows the EPA to concentrate on being the EPA and I say that with the greatest respect to the areas of the EPA which are currently there, but more sit in the environment space. The obvious one in that - and we are going to talk about it soon - is the AST labs which has sat there because Wes is highly capable and able to manage that and has done an outstanding job, but it is not really a core EPA regulatory role. Those areas that are environment policy, non-core EPA will come back or will come into the department and Wes and his team will be able to focus solely on their statutory role.

**Mr JAENSCH** - In the announcement I made yesterday and covered again today in my opening remarks, part of the policy we have announced regarding this separation, also involves meeting recommendation two from PESRAC's final report. This is by providing EPA with additional resources to undertake assessments so there is the capacity there as Tasmania is going through a growth stage that we need to keep going for longer. There will be more projects requiring assessment by the EPA. They need to have the resources to be able to do that both with independence, rigour and confidence to the community, but also with the arms and legs on the ground and the resources they need to clear those assessments.

**Dr SEIDEL** - You are committed to have a fully independent, fully-funded EPA?

**Mr JAENSCH** - Correct.

**CHAIR** - By the end of the year.

**Mr JAENSCH** - It commences in December, but there will be stages that require legislative adjustments.

**CHAIR** - When can we expect to see the legislation?

**Mr BAKER** - Between the two of us, because we will soon be separate, but I can -

**Mr JAENSCH** - Like conjoined twins.

**Mr BAKER** - What I would say is it's our expectation in the first half of next year, Wes, isn't it? In that first -

**Mr JAENSCH** - For example, that initial tranche of legislative reforms will include a number of administrative references to the Secretary which might need to be changed to the Director, et cetera, to ensure the legislation is reflecting the separation of the roles.

**CHAIR** - My point is, minister, if that is brought in before next year's budget, which the Treasurer tells me will be in May, will we see the EPA as a standalone statutory authority in Budget Paper No. 2, volume 2, with its own budget?

**Mr JAENSCH** - I would expect so.

**Mr BAKER** - I can guarantee running a large department, there are a number of different models. There is the Tas Planning Commission which is a model which is slightly different again to the Integrity Commissioner, which is slightly different again to the way Tourism is set up, which is a separate entity. One of the things we have undertaken to do is for the head of the State Service, I and Mr Ford to have a chat and work out what is the best models. I have a very clear direction to make it separate but there are very different -

**CHAIR** - Separate is different necessarily from independent?

**Mr BAKER** - No. Completely independent of the department but there are -

**CHAIR** - And the influence of Government?

**Mr BAKER** - That is a question for the minister.

**CHAIR** - Will they be separate and independent of the influence of government?

**Mr JAENSCH** - Yes.

**CHAIR** - Much like the Auditor-General is?

**Mr JAENSCH** - Yes, or the Tasmanian Planning Commission.

**CHAIR** - Yes. Right. In terms of they will have their own budget - the EPA will have its own budget and it will appear in Budget Paper No. 2, volume 2, as a separate entity.

**Mr JAENSCH** - This is where the Secretary is talking about some -

**CHAIR** - It's the only way it can be if it's truly independent, minister; otherwise, it is in Budget Paper No. 2, volume 1, which is the government.

**Mr JAENSCH** - Yes. No, I fully understand. There will be, at least for the interim, some arrangements, that may require there to be an agreement between the department and the EPA in terms of how funds are administered. The most important thing - and this is the thing which does not require significant change - is that the role of the Director in the EPA under their legislation is to independently make their decisions under those acts. What we are doing is changing the departmental, bureaucratic, authority structures to reflect that more clearly and to ensure people do not have dual roles.

**CHAIR** - I am interested in the budget. Can we agree then the EPA's budget will appear in Budget Paper No. 2, volume 2 as the EPA as a separate entity?

**Mr JAENSCH** - It should be able to be reported as a separate entity. What I need to do I am not quoted back at some point as being an error. I need to give the secretary and the director and the head of the public service time to resolve the transition arrangements. What might be in the future still some service provision agreements that link the two.

**CHAIR** - What I need is short answers and short questions.

**Mr JAENSCH** - I know but I need to be precise as well so I am not misquoted.

**CHAIR** - Once you get through the transition is for the EPA to be independent, separate body that has its own budget separate to the department. Can you say yes to that?

**Mr JAENSCH** - Chair, what I have not had advice on yet is whether -

**CHAIR** - Minister, if it is independent of government, it can not be in the government.

**Mr JAENSCH** - No, there is a difference between the employees being the employees of a government department and whether there are services that are provided by another part of government under a service agreement with the EPA. I do not know how that reflects in the budget papers. The most important thing is the decision making and the roles of the people and their responsibilities under relevant legislation is reflected in how they are employed and who they answer to.

**CHAIR** - Who will set make a budget submission on behalf of the independent EPA?

**Mr JAENSCH** - The EPA, but they might be buying some services from another part of government, payroll for example. I do not know if there is going to be a separate payroll or something for the new EPA. I am not trying to be dodgy, I am trying to not.

**CHAIR** - I am trying to understand this is going to be truly independent or not, minister.

**Mr JAENSCH** - The independence needs to be who people are answerable and accountable to and removing any conflicts to perceived conflicts over them having dual responsibilities, one to a Deputy Secretary and one to the Governor who appoints them. That is the separation that is most critical in terms of their independent decision making.



**CHAIR** - We will deal with this when we get the legislation no doubt.

**Ms WEBB** - I commend this decision to make an independent EPA and what I have heard from the description provided just now is the precise form of that and the parameters of what it looks like are yet to be determined. Given that, what process will we point in place as in the development of the model that allows for external stakeholders to have a say or have some insight or provide expert advice into that space?

**Mr JAENSCH** - Anything that requires amendment to the legislation will involve the public process, the debate and the briefings we have whenever we are changing the laws of Tasmania.

**Ms WEBB** - That is a late stage. What I am talking about is clearly the next stage of things. Mr Baker described this a moment ago, the next stage of things is to consider that there are various models of an independent entity. We have different examples here, listed, some of them. We will be contemplating, in the first instance what shape of model like some of those other entities this might be. I am putting to you it would be appropriate to actually have that be a more open process for consideration and to seek input. What consultation and opportunity for input into that process will there be?

**Mr JAENSCH** - I will allow the Secretary to make comment on that if he has a more definite plan in mind. Where we are with it at the moment is we have taken a policy decision which involves a redistribution of roles within government and under existing legislation. A lot of this is administrative, governance and reporting lines rather than requiring substantial changes to legislation. There is a point where the Government can make a policy decision - we have done that - and where we need to ask the public service to implement it in an appropriate way that meets all the requirements and the intent of the policy. There are elements of it which may require adjustment to legislation within which we all need to explain all of that and convince parliament in both houses that that is something that they can support as well.

**Mr BAKER** - If you think about it now, there are statutory authorities, including Inland Fisheries Service and the Royal Botanical Gardens which essentially operate within my department but they are statutory authorities and they appear as separate statutory authorities. Their HR, their IT, all the people management all happens through the department but then if you look there are also models like the Office of Public Prosecutions which is very similar.

**Ms WEBB** - We are very familiar with the Audit Office.

**Mr BAKER** - The Audit Office is a different model. What we will do, and the reason I have named up the head of the state service is because this potentially will also require changes to the State Service Act at the back in the schedules where it will sit. We will work out the best model with a clear direction from the minister that the EPA must be independent of our department. Then there will be a bill and that will have to go through public consultation. That is where the consultation will happen.

**Ms WEBB** - What I am putting to you, Minister, is that there is a high level of public interest in an independent EPA. It has been called for by many stakeholders out there in the community.

## PUBLIC

**Mr JAENSCH** - And we have delivered.

**CHAIR** - Question?

**Ms WEBB** - I am getting to the question. You have delivered the commitment -

**CHAIR** - Question? We need to get onto the questions or we are going to run out of time.

**Ms WEBB** - I am getting to the question. What I am saying to you is that clearly, we have these different entities and there would be consideration in various ways about the pros and cons or the implications one way or the other about the different entities.

**CHAIR** - And the question?

**Ms WEBB** - My question is when the consideration is being given as to the shape of this new entity as per the variety of options there are, would you agree it would be appropriate that input is sought from external stakeholders, including the public? Experts would advise and have a say in the process at least of that decision-making so that what we arrive at has actually been through a consultative process.

**Mr JAENSCH** - Anything which requires changes to -

**Ms WEBB** - No, not the legislation at the end, the decision on the model?

**Mr JAENSCH** - is to be consulted, and as you know when legislation is being drafted, there is consultation, the draft legislation is consulted and then it is debated through our democratic process in parliament.

**Ms WEBB** - I am talking about the consideration of the model.

**Mr JAENSCH** - In the development of the model, I expect fully that the secretary, the head of the public service, the director of the EPA and others, will take advice and expertise from a range of sources.

**Ms WEBB** - But you will not commit to consultation?

**Mr JAENSCH** - No, I am not going to commit them to consultation on how they establish the operating structures within their departments.

**Ms WEBB** - No, consultation on the model options.

**Mr JAENSCH** - The administrative structures within their departments, I will not require that.

**Ms WEBB** - I have heard, minister, that you have said you will not have consultation on the model.

**CHAIR** - Order. Let the minister finish.

## PUBLIC

**Mr JAENSCH** - No, I said I expect, and the Government will receive advice and I will receive advice as minister, from the secretary, from the head of the public service, from Mr Ford, on what their recommendations are for the best model for delivering the policy that we have announced. I expect that they will be taking their advice from a range of sources and I am not going to direct what those sources all are but -

**Ms WEBB** - But you will not direct that consultation occurs with the public as part of the development of that model?

**Mr JAENSCH** - On the internal structure of the department? No.

**Ms WEBB** - On options on the different models that will ultimately come to you and ultimately come to us? You won't direct that there be consultation?

**CHAIR** - Order.

**Mr JAENSCH** - What I can say is that the public will be able to see that and have comment on it and we are bound to take consideration of their comment when we produce that proposal in the form of draft legislation.

**Dr SEIDEL** - Just two very specific questions then. In your media release you said -

The new model is expected to commence on 1 December.

And you also said in your release -

Legislative amendments to the Environmental Management Pollution Control Act will be required.

So in terms of time line you will consult with the public on the legislative changes and we will see legislation waiting for 1 December this year?

**Mr JAENSCH** - No, not necessarily because as I understand it, the change in roles of individuals, in particular Mr Ford, and the placement of staff can commence without, in the first instance, changes to the legislation. The drafting of the legislation for the resolved model will be underway and we expect to be able to see draft legislation early next year.

**Dr SEIDEL** - The final question was the model in Victoria legislated a chief environmental scientist. Is that a role you would consider?

**Mr JAENSCH** - That will be the sort of issue that I would be seeking advice on from the secretary and the director as they resolve this model, the internal structures of those -

**Ms WEBB** - It is a shame the public can't suggest that into a process of open consultation.

**Mr JAENSCH** - What we need to be able to do is not pre-empt. We need to come up with a range of options and models and then put our preferred model forward and allow the public to comment on that.

**Ms WEBB** - At the end result, not when there are options there?

**Mr JAENSCH** - It is not an art prize. This is about how we manage and manage change, in the machinery of government. We have announced our policy and then we will be bringing the enabling legislation forward through a normal public process.

**Ms WEBB** - Public consultation is a normal part of good process.

**Mr JAENSCH** - And it will be there.

**Ms WEBB** - When it is too late.

**Mr JAENSCH** - No, in the normal scheme of things.

**Dr SEIDEL** - We won't see a new independent legislated EPA before next year, next budget, next May?

**Mr JAENSCH** - By the end of this year, you will see an EPA structure which is meeting its obligations under the existing legislation with a staffing arrangement and leadership structure which more clearly reflects the separation required between the independent regulator role and the government department policy development role. That will be the first step in that process and then there will be a progressive implementation of that separation, including through enabling legislation.

**Mr FORD** - Regarding the process, in relation to transferring salmon management to the EPA in June 2016, the Government took the approach that the process was dealt with by a range of delegation and separation of function until the legislation was able to create the environmental licence. It worked at arms-length separation from the agency, from the minister, from the secretary. From the start of July 2016, I took all the decisions in relation to the salmon components operating under the provisions of both Green Farm Planning Act and green resources. You need to remember, under the Environmental Management Pollution Control Act, the director is a statutory officer, it is a statutory authority. There is no role for the minister in that legislation, other than establishing the Statement of Expectation. That is how it has been since it was created in 2008.

As the minister has said, this step further enhances that approach. There are a number of elements that need to go through. In order to create a state authority, the State Service Act needs to be amended. That can be done by order. It doesn't have to come to a parliamentary process. If that is the model that is going to be adopted then the State Service Act can amend, create the state authority.

**CHAIR** - I want to talk about environmental protection notices. I notice a drop in the actual number. It may be as a result of not being able to get out and about so much with COVID-19. In terms of the EPNs issued, how are they followed up to ensure compliance?

**Mr FORD** - We issue a range of environmental protection notices under section 44 of the Environmental Management and Pollution Control Act. They range from things that are rectifying single activities to making substantive or operational changes to existing operations. Where we issue environment protection notices under section 44 (1a), which pertains to the likelihood of material and environmental harm, they are followed up with a series of audits.

## PUBLIC

We made comment in the notes about unplanned audits; where we issue environmental protection notices, we follow them up, we engage with those people on a significant number of operations.

For example, Mr Jenkins and Jenkins Hire, in terms of Plenty, we have done a lot of follow-up and auditing of that particular set of environmental protection notices. The Footrot Flats Abattoir at Stowport is operated under an environmental protection notice. At one point, we had officers out there every week dealing with that particular matter. We do follow up on those notices and ensure that the corrective actions that have been imposed by them are adhered to.

**CHAIR** - Regarding the VDL farm, that's another one you've been involved in?

**Mr FORD** - VDL was a different set of arrangements. There were nine environmental protection notices issued on those farms via the council. The council has authority under section 44 to issue environmental protection notices in their own right. We were working collaboratively with the Tasmanian Dairy Industry Authority and the local council.

I take the opportunity to recognise that the council has done some really good work in this place and with a limited set of resources.

The council referred those nine environmental protection notices to us to audit. We have now conducted an audit on those. We have conducted 18 farm visits; the nine farms were each visited twice, 10 weeks apart. We are now in the process of finalising that advice back to the council.

I have now written to Mr Lu of Van Dairy to advise him that while, at this point, we have established there is no substantive evidence of material environmental harm, it is appropriate to continue to manage that entity in the long term.

I have advised him that it is my intent to issue environmental protection notices on the remaining properties, recognising that he has sold a number of the properties. Some of those properties he has sold to the Prime Value entity, who are subject to notices which are now being separately managed.

**CHAIR** - The EPN goes with the property?

**Mr FORD** - Yes. I will be engaging with Mr Lu shortly in relation to that audit, in response to that audit and with draft environmental notices about the EPA taking a regulatory role in ongoing management of environmental issues on those sites for the future, until we are satisfied that he is operating in a manner that doesn't need us there.

**CHAIR** - So, clearly, that's not the case as yet?

**Mr FORD** - There is a lot of work to do still. They addressed the corrective short-term actions but there are some long-term matters that still have to be addressed.

**CHAIR** - Some of the other ones you referred to, not all of them, obviously, but in terms of those you've mentioned, how many visits does it usually take? Is there an expectation that

you would have that after two, three or four visits that it will be resolved to the point they no longer have an active EPN?

**Mr FORD** - Yes. The whole idea of issuing an environmental protection notice is to address corrective issues toward ensuring the likelihood of environmental harm or actual environmental harm is being managed. Often, it will depend entirely on the operator and circumstances. It is very much a case-by-case approach.

**CHAIR** - Looking at page 300, it would be more helpful, perhaps, to report how many of these EPNs issued are resolved within a certain timeframe to the point they are no longer necessary. For all intents and purposes, there are still 166 notices out there that are still creating environment harm.

**Mr FORD** - This is one of the limitations of the performance reporting processes in the Budget. Mr Baker has already alluded to more real-time reporting. We recognise that this is something we can do better on in our reporting process. We have made one suite of changes to the EPA website around more routine reporting, and these are the sorts of things that should be reported. In terms of that report, you don't get the disaggregated numbers of notices. We issue a range of notices under a range of parts of the act but the way they are presented in the Budget papers, they are consolidated.

**CHAIR** - It would save me asking questions on notice and get on with the job.

I am interested to know a bit more about the crumbed rubber roads. Waratah-Wynyard had media recently that they were using it to fix some of the potholes in our area, of which there are many. You do bounce along as you go. I want a bit more detail about the extent of the rollout of that and whether it will be just a maintenance-type approach: is it looking at road construction more broadly in the future or just correction of potholes?

**Mr JAENSCH** - What's happening at Waratah-Wynyard, and has happened in a couple of other councils, there has been some road repair work undertaken using crumbed rubber products. There is not currently a commercial tyre-crumbing facility in Tasmania but we have lots of tyres and there is a disposal issue there.

We have committed \$3 million in the Budget to go to market with to attract an industry partner to invest in a crumbed rubber plant in Tasmania. Our intention is to follow through our evaluation trials being undertaken in different parts of the state to ensure the crumbed rubber recipe for road surfacing meets our engineering requirements. Then, assuming that is positive, the intention is to roll that through into a routine part of our annual resurfacing program, a requirement to use these reclaimed materials in our road building as part of our public infrastructure.

**CHAIR** - Road construction and not just maintenance then, yes. Is this something that the Office of the Coordinator-General is working with, that you are out there in the market for somewhere to build a facility?

**Mr JAENSCH** - It could potentially be, or State Growth. We have a few options of how we do that.

The most important thing is that we realise that it might not be economical for someone to come and meet the establishment costs of a new plant like that, otherwise we would have one here by now. If we can put some money in and partner with someone, what we want to be able to do is to establish a capability in Tasmania then commit to a longer-term demand for a product so that a partner can operate here. We will be out before the end of the year seeking expressions of interest in that.

**CHAIR** - Big tyres down the mining places.

**Mr JAENSCH** - I am not sure which size or type of tyre is the right compounds and structure for a plant. I will let other people who know more about the material to dictate that.

**Mr DUIGAN** - The Government is committed to implementing a container refund scheme. Perhaps an update on where that's at, at the moment?

**Mr JAENSCH** - We have made a number of commitments aiming to reduce litter in our environment and to build our circular economy, and business and jobs based on reuse and reprocessing of materials that we are currently burying in the ground or sending far away, which we could do with less of these days.

A key part of this puzzle is delivering a container refund scheme for Tasmania. The 10-cent refund, which applies in a number of schemes around Australia already, provides an incentive for consumers to dispose of their containers responsibly at a designated refund point. This results in collection of pure, clean streams of recycled materials that can be reprocessed or recycled into valuable new products here or in value chains that extend nationally.

The Government is designing the best possible container refund scheme that fits Tasmania properly. We have to make that is convenient and accessible to the community, acknowledging that most of us live in villages spread out across a large area of our island, but also that maximises the number of containers that are returned and provides a viable, critical mass of material to do something with. It's important that if we're collecting them that we're recycling them as well.

In 2018-19 drink containers accounted for around 45 per cent of litter by volume in Tasmania. We know from interstate experience that one of the most effective ways to change littering behaviours is to introduce a refund scheme because it's worth something and you can get that value back.

Earlier this year we made an important decision to adopt a split responsibility governance model for Tasmania. It involves a scheme coordinator who will run the administration and finance of the scheme with a separate network operator managing a network of refund points across the state. This has been strongly supported by the Local Government Association, Charitable Recycling Australia, Waste Management and Resource Recovery Australia, the Australian Council of Recycling, Boomerang Alliance, Clean Up Australia Day and many others.

We have gone out to public consultation with a draft container refund scheme bill. More than 3500 people contributed to the public consultation and the feedback was overwhelmingly positive, with 98 per cent of respondents supporting the model as we're proposing it. The

number of people are engaged in the process and the strength of the signal we got back is extraordinary.

Being one of the last we can learn from all the others that have been operating. We've been able to see what works and doesn't in other parts of Australia as well as an expert reference group made up of stakeholders from a range of interests, from beverage manufacturers to hospitality to people who are in the waste management and recycling sectors. We've also had an expert ministerial advisory group chaired by Tim Gardner that has provided advice to us on the policy settings and the structure of the legislation that's now at draft stage.

We're keen to ensure maximum participation in the challenge of reducing litter and recycling more. Our aims are to get as many containers back as possible and to do something useful with them. There are roles for a wide range of different types of businesses and organisations in doing that. We'll be presenting our legislation to parliament later this year with the aim of having it resolved by the end of this calendar year, both the legislation and the regulations. We'll also be going out to market to attract potential operators of the different parts of the scheme by the end of the year. We aim to have the container refund scheme operating in Tasmania before the end of next year. The experience elsewhere has been not to rush the process and to give ourselves 12 months. That's what we're planning.

**Ms WEBB** - The Government is introducing a statewide waste levy on 1 July 2022. The local government sector supports this. In its draft Waste Action Plan the Government says that the new waste levy would replace any existing council levy. The north and north west both have voluntary waste levies that are \$7.50 and \$5.50 per tonne respectively. The councils in the south do not have a levy in place instead there's funding for regional waste activities that are directly funded. How will the councils and the community of the southern region not be disadvantaged as a result of the new situation? How will there be an equitable distribution statewide of the levy to all regions?

**Mr JAENSCH** - The undertaking we gave at the beginning was that a statewide levy would not be added to the levies people were already paying when they were disposing of waste at landfill in the north and north west where a levy already applied. It would replace the ones that exist albeit at a higher level. The starting point for our statewide waste levy is likely to be about \$20 a tonne, replacing \$5.50 and \$7.50 a tonne in the north-west and north respectively.

The levies provided a revenue stream which has been used for waste management, education, diversion from landfill and other sorts of projects. Where groups of councils or regional bodies had been dependent on that we're working on the best model to ensure that the new levy can continue to support activity that's already been under way funded by a levy.

There are a few options that we're weighing up to ensure we can do that. The south has not had a levy in the past, so there's not a levy to duplicate or to replace, but we want to make sure that councils in the south and communities in the south are also able to take full advantage of the new statewide levy to fund activities that help divert waste from landfill.

I'm still receiving some advice on the different ways of doing that. It's likely not to be something which requires legislation but maybe in the regulations and the directions for how the levy is dispersed afterwards. It is a key concern and has been from the beginning. I'd anticipate having a policy position on that when we're debating the bill when we bring it to parliament.



**Ms WEBB** - Is the local government sector involved in conversations about that at the moment?

**Mr JAENSCH** - Yes. The local government sector has been involved in the expert panel and in the ministerial advisory group. We've been hearing about these issues from the beginning and we have good channels to local government to test what options might work.

**CHAIR** - Minister, in the development of the legislation, will exemptions be considered for some councils like King Island Council, which is tiny and to which this presents an enormous challenge?

**Mr JAENSCH** - Dealing with small, remote councils is another one of those issues that's been live from the beginning. This is an area for the regulatory aspect of this but one which we're going to need to address when we have the debate. My preference at the moment is that we don't exempt them from the levy but we might be able to create an arrangement whereby they're not disadvantaged because of their scale and remoteness. The levy might help them overcome the disadvantages of scale and remoteness because on King Island it costs more to dispose of things that you have to ship off your island. Maybe we can configure the levy so that it raises funds but they have a disproportionate remittance from that scheme to support them doing -

**CHAIR** - So, I take it you've spoken to the mayor and the GM there?

**Mr JAENSCH** - Yes, and we'll continue to. The islands, the West Coast Council have unique circumstances. I've asked the department to find ways that they can be involved so that everyone is part of this. It's the same with the container refund scheme, to overcome logistical barriers with special arrangements for those places so that they're part of it like everybody else.

**CHAIR** - So there may be special consideration being given as to how to best make it equitable. That's the challenge. Without that, it will be completely inequitable and they will be hammered.

**Mr JAENSCH** - Exactly. If we are looking for improved management of waste diversion from landfill and adoption of other technology, it is going to cost them more per capita to do than anywhere else, because they don't have the scale. Something like a levy might be able to offset that, and give them a way to reduce how much waste they put into landfill by adopting other solutions that might otherwise be uneconomical. Having a levy might allow us to do more of that in the future.

**Ms WEBB** - I have a specific question on methane gas. Methane can leak from natural gas networks, I believe, and arise from waste like landfills and sewage treatments. It is a potent greenhouse gas. Does the Tasmanian EPA possess the equipment, personnel and skills to enable it to measure methane leaks and other methane emissions, and does the EPA have the legislative power to require methane leaks and emissions to be controlled by the owners of facilities that may be experiencing them?

**Mr JAENSCH** - I will ask Mr Ford to respond on the EPA's roles and capabilities, but in terms of methane, from a policy perspective, we have a commitment to progressively reduce the amount of organic materials going to landfill - to reduce that by 50 per cent by 2030.

In pursuit of that, in the Budget that we are scrutinising today, there is a commitment of \$4.5 million to invest in state-of-the-art commercial industrial-scale composting facilities - \$3 million for one in the north at Dulverton, and \$1.5 million to support the design and feasibility stages of something comparable for servicing the south. That gets us into a position where we can draw a line under things like methane from legacy landfill, and they do not present a problem for us in the future because we are not putting those organic materials into the ground.

I will hand to Mr Ford.

**Mr FORD** - Ms Webb, I will answer this in three parts, just to separate it. For contemporary landfills - those that have been built in the last two decades - it has been a requirement for them to be able to capture landfill gas. For McRobie's Gully, Copping, and extensions at other landfill sites, many of those would still flare that gas rather than capture it and use it. However, as you may well be aware, Southern Waste Solutions is capturing the gas at Copping and is now using it to run a generator, so there is co-generation process. That is a real opportunity from a technology point of view.

The second part of the question relates to the historic landfills - the old landfills that were not lined, and did not have adequate gas collection systems, as the minister mentioned. A number of them have been problematic. In my six years in the role, we have issued a number of notices on people to start to remediate those sites. One of the biggest challenges the state is dealing with in this space is the Port Sorell site, because of the very long history of landfill gas in that. In a collaboration between the government and Latrobe Council, \$1.2 million has been spent to date investigating that issue for future remediation.

The third part of your question relates to capacity. We do not have the equipment or the skill set. It is a highly specialised task. In the first instance, if we required it to be done, we would require the operator to engage with a competent contractor. Failing that, if we needed to do the work ourselves, we would engage a competent contractor.

**Ms WEBB** - Thank you. You would get the skills in if you need them, and you do have the legislative power to require those things to be controlled?

**Mr FORD** - Yes, absolutely.

**Ms WEBB** - Thank you. One final question on the sustainability strategy. We mentioned that earlier today in another context, but the questions were directed to this portfolio, I think.

**Mr JAENSCH** - Were they?

**Ms WEBB** - When we were talking about planning, we talked about a range of strategies in development that all had resonance with each other. Can we talk about the sustainability strategy that was in the PESRAC recommendations here?

**Mr JAENSCH** - We can, but I understand that activity is going to be led by the Department of Premier and Cabinet.

## **7.2 Analytical services -**

**CHAIR** - Minister, you said earlier that with the separation of the EPA into a truly independent standalone structure, analytical services will be moved or subsumed into the department. I notice there was also an initiative to support the activities of Tasmania's only environmental analytical testing laboratory by providing capital purchases of equipment.

Can you talk about what that equipment is, and where it is in terms of resourcing that sector or the facilities, which I assume is mostly in Launceston?

**Mr BAKER** - It is St John's Park in New Town.

**CHAIR** - I thought it was Mount Pleasant?

**Mr JAENSCH** - I might ask Mr Baker if he has anything to say on this.

**Mr BAKER** - Given that the operational responsibility for it resides with Mr Ford, he can answer that part, but as I mentioned, one of the benefits of the split is that it will allow the EPA to concentrate on the statutory role, and the non-statutory functions will be able to come back into the department.

The mistake you made about whether it was at Mount Pleasant or in New Town goes to a point, which is that the department has labs in lots of places. We have the AST labs, we have labs in biosecurity, we have labs in marine, so it makes a lot of sense to bring that lab function in under the new department, such that it will be. That is the thinking, and it will enable us to start to think about a statewide lab strategy for Tasmania. I think that will make a lot of sense. The site the AST is in is co-located with the police labs.

That is a different model at the moment, but there is great opportunity, particularly given that the Mount Pleasant labs will be moved to Newnham as part of the agricultural precinct.

There is lots going on in the lab space, but one thing I know, and I am sure Mr Ford will agree with me, is that labs are expensive. Anything we can do to get better synergies and efficiencies in the equipment, the better we will be able to provide service to the Tasmanian community.

**CHAIR** - You said the one at Mount Pleasant is moving to Newnham, which is not that much further away. There are agricultural businesses that use those labs on a regular basis to test their product before it goes to market, who are in the far north-west or wherever. Accessibility is important in any change.

**Mr BAKER** - Absolutely. This is outside the minister's portfolio, but we are very excited about the northern precinct because it will have better car parking, greater better access, it is in the north a little further away from the CBD, and it will be purpose-built to facilitate our front end. You're right, a range of agricultural services use that service.

The second part of the question, which was about the infrastructure spend, is better directed to Mr Ford.

**Mr FORD** - It is probably sensible to start with why we have the laboratory in the first place. There are five reasons why Analytical Services exists. Firstly, to service and provide support to the EPA director on the work they need to have done. Secondly, to support the Director of Public Health in any environmental testing the director needs done to basically service government. The third area is to allow government to facilitate industry development when laboratory testing is critically important, but there's no commercial service, or there's new innovations like the hemp industry or new opportunities that need sophisticated laboratory testing. The fourth area is to provide a public service where the public can pay to have material tested. The fifth part of that is a commercial service to business.

Again, it is a market failure that there is no significant large commercial laboratory in Tasmania. It is just not economical as Mr Baker said. They are incredibly expensive to run. A number of years ago when I came into this role it was very clear we did not have a sustainable capital operating basis from the consolidated fund. We got KPMG to do some analysis and a business case for the Government, which clearly demonstrated the cost of doing laboratory servicing. We used Western Australia as a benchmark because we were well under done as a state. If we did not invest we need to actually explore alternate mechanisms. The new money is coming in to both fund staff and fund capital and it could be a laboratory on a sustainable footing for the future.

**CHAIR** - The equipment?

**Mr FORD** - We could give you a highly technical list of all the things they buy, every piece of machinery, you can buy per square meter and we will get \$1 million per cubic metre. I could not even start to name some of the equipment.

**CHAIR** - It is a number of pieces of equipment? It is not a big, smicko new thing to test something special we can not do now?

**Mr FORD** - No, it is multiple. A couple of years ago the Government committed to fund additional resourcing to do biotoxin testing for the oyster industry, which was being done in New South Wales. Through then I think it was through Mr Rockliff in his role as Primary Industry minister, wanted it as an on-island service. That piece of equipment to do that was about this big and was \$750 000. Every piece of equipment has a high-end computer of its own and most of these pieces of equipment have a life of about seven years, so you have to have a long-term capital role over plan. In terms of assests we have at least \$10 million worth of equipment if not more in that facility has to be replaced and updated.

**CHAIR** - Do we have the skills in the state to calibrate these machines because obviously they are calibrated regularly? To bring people in obviously COVID-19 is a challenge with that.

**Mr FORD** - There are three levels of response in that, there is general utilisation and operation which we have trained staff to do. Then there are specialised skills some of our staff have and some local providers have and then there is highly specialised maintenance where we have to get the mechanics across from Melbourne, Sydney like servicing for Tesla.

**CHAIR** - That is all covered under this line item? The costs of maintaining machinery and equipment?

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**Mr FORD** - It is all covered.

**CHAIR** - Has COVID-19 had a major impact on this or has it been able to keep operating?

**Mr FORD** - Yes, we continue to operate. We actually had to take a novel approach at operations because we had to split the operation into shifts for two reasons. We need to have a team A and a team B in case one group got sick. We also could not deal with the physical spacing requirements with that many people in the laboratory, so we ran an early shift and a late shift and cleaned the building in between times.

**Mr BAKER** - I want to put on the public record my thanks to the CPSU during that period because they were excellent in helping us facilitate a solution that, it is fair to say, stretched the limits of the agreement we had in place. Given COVID-19 our staff, the unions and the management were able to work together solutions and I did want to thank the CPSU for that.

**CHAIR** - Did that require the engagement of additional staff to facilitate that?

**Mr BAKER** - Just split in half and then rotate them through.

**Mr FORD** - We did it with existing staff and we upskilled our staff so they became a bit more multiskilled.

**CHAIR** - They also became cleaners.

**Mr FORD** - The data is actually reflected in the budget papers because when you look at the actual numbers, we have had an increase in testing notwithstanding COVID-19. When you look at that we still got more samples out the door.

**CHAIR** - Which is interesting as some activities were not going at full tilt during the COVID-19 period.

**Mr JAENSCH** - The action of hand sanitiser went right up.

**Mr FORD** - We made hand sanitiser.

**CHAIR** - A little side line?

**Mr BAKER** - I want to reinforce the importance of a lab for maintaining the oyster industry which require that testing for market access is really important. Given those industries were under enormous pressure with market access as it was, it was really important we were able to keep the labs operating and they did an outstanding job.

**CHAIR** - I do not have any further questions on that.

### Capital Investment Program

**CHAIR** - Thanks, minister, we will move to Capital Investment.

There is not much in here. This is the crumb rubber roads. We have already talked about the others under core services and the waste management.

Do members have any questions? If not, we will close off.

Minister for the Environment, you can let these people go.

We will have a short break of five minutes and we will come back to the Minister for Heritage.

**The committee suspended at 5.21 p.m.**

**The Committee recommenced at 5.26 p.m.**

**Output group 3**  
**Natural and Cultural Heritage**

**3.2 Historic heritage services -**

**CHAIR** - Welcome back, minister, we are now onto Historic Heritage Services. If you could introduce the people at the table and I invite you to make a fairly brief statement about this area of your responsibilities if you would not mind.

**Mr JAENSCH** - Thank you very much, Chair. Before I do I take the opportunity to table the agenda from the first two meetings so far of the cross-party working group on local government reform that we discussed earlier.

**CHAIR** - You do not have a third one?

**Mr JAENSCH** - There have only been two.

**CHAIR** - But you have an agenda for the next meeting, you said.

**Mr JAENSCH** - I thought that the request was for the agendas of the meetings that have been held. I am happy to add the agenda for the -

**CHAIR** - We will write to you to have that one as well, if that is all right?

**Mr JAENSCH** - If you like, I might be able to get that.

**CHAIR** - All right.

**Mr JAENSCH** - We have not issued that yet.

**Mr GAFFNEY** - You have got a meeting date but no agenda, that is fine. Happens to us all the time.

**CHAIR** - It should not take that long to print that up.

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**Mr GAFFNEY** - No, they haven't got one yet, they are still working on it.

**CHAIR** - The minister indicated that it was on the agenda for the next meeting.

**Mr JAENSCH** - We agreed at the last meeting that it would be on the agenda for the next meeting.

**CHAIR** - But you have not set the agenda?

**Mr JAENSCH** - Correct.

**CHAIR** - Okay.

**Mr JAENSCH** - Thank you very much, Chair. I am honoured to be the Minister for Tasmania's Heritage and I am honoured to be at the table still with the secretary of DPIPWE, Mr Tim Baker; Stuart Fletcher, General Manager of Land Tasmania and Ester Guerzoni from Heritage Tasmania.

I am honoured to be among them as Tasmania's newest minister for Heritage. Tasmania has an embarrassment of riches when it comes to heritage assets and a disproportionate share of Australia's heritage sites and buildings. They are not only things but they represent stories of the last couple of hundred years of Tasmania's and Australia's history. It is very important that we preserve them, not only for their intrinsic value and the interest that they hold for Tasmanians and visitors alike but also from their increasingly important opportunities they present as part of our visitor economy. I am pleased to confirm our continuing support for Tasmania's heritage as part of our budget, including our election commitment to enter into a \$1.25 million funding agreement with the Port Arthur Historic Site Management Authority to lead the development of a convict memorial hub at the Hobart Penitentiary Chapel, which is part of the National Trust's properties around Tasmania.

We are also supporting again the National Trust through an additional \$300 000 for this financial year, effectively doubling our contribution to their operations. We look forward to working with them on their future operations under a sustainable model of management for the future.

There are a range of other contributions that I've touched on in my opening remarks and in previous statements to Estimates committees. I thank the remarkable people who have been managing our heritage estate, as part of the National Trust, as part of PAHSMA, our Parks and Wildlife Service, staff in Land Tasmania and Heritage Tasmania. My thanks also to the volunteers who are involved at many of these sites and in local areas who are advisory committees, who are part of management groups, who are part of the unpaid but incredibly passionate workforce that love these heritage assets and love talking to people about them and looking after them.

It has been a really difficult time as part of the visitor economy in particular. We've seen a downturn in visitors and the revenue that's gathered at a number of these sites around the state and we recognise tough decisions that have had to have been made. We also recognise that in some areas our volunteer workforce has needed to stay at home. Some of them are older people or people with other vulnerabilities and they've had to drop back their involvement and that must have killed them.

It's really difficult for people for whom that involvement is a critical part of their social engagement and their passion as well. I want to shout out to all those people who look after Tasmania's heritage assets and assure them that we appreciate what they do and that we see management and presentation and celebration of our heritage as not only looking after our past but also helping to secure our future. This is particularly the case when it comes to people who visit Tasmania from all over the world because their family story has a link here through our convict heritage and our European history.

I'm really interested to see the opportunities that arise from examples like the Convict Memorial Hub at the Penitentiary Chapel where we can get the National Trust, the Port Arthur Historic Site Management Authority, Heritage Tasmania and others working together to deliver that site and its stories. I'm looking forward to more of those sorts of collaborations across the network of sites and organisations that we have managing heritage in Tasmania. Thank you for the opportunity to say those things. I'm happy to take questions.

**Mr GAFFNEY** - Noticing that in the next two years it's \$1.1 million and that's for, as you've just explained, the Hub and the site at Port Arthur. In 2023-24 it indicates a drop of \$936 000, so that means that that project should just take those two financial years that's envisaged and that should be on time? I'm assuming that's what the footnote is for.

**Mr JAENSCH** - There are a range of budget and election commitments that are funded in the budget that have a limited life. The budget reflects new and additional funding that's not recurrent long term. The drop-off in out-years would reflect those investments and those projects ending.

**Mr GAFFNEY** - Okay. The bulk of that would be -.

**Mr JAENSCH** - Mr Fletcher has some more to say.

**Mr FLETCHER** - Regarding the changes in the budget, the increase this year of \$298 000 relates to additional funding as part of the recent election commitment for Port Arthur Historic Heritage Hub. There's \$250 000 in the budget for that this year. An additional \$300 000 for the National Trust and that increase is partially offset by the reduced Australian Government funding for the National and World Heritage Project of \$317 000 where we received Commonwealth funds so that equates to that and the decrease in 2023-24 reflects the completion of the Port Arthur Historic Hub and the -

**Mr JAENSCH** - The \$1 million, yes.

**Mr GAFFNEY** - Okay. That's fine. We will come back to the National Trust a bit later. I notice you mentioned the visitor economy and this is where I do have to declare an interest; I'm still going to ask the question.

**Mr JAENSCH** - What is the interest you're declaring?

**CHAIR** - He lives in a nice house.



**Mr GAFFNEY** - We have the old bank of Australia built in 1876, a certified National Trust building. There are a lot of places in like Latrobe, Longford, Oatlands, Stanley and Evandale, smaller historic towns where people do have historic homes.

There was a program ten years ago when people were doing works to maintain their homes there was a 20 per cent something-or-rather if they wanted to apply for it to assist them with maintenance. My wife and I have never had to use it and we would not because of my position. But when you have 18-foot front room with lathe and plaster and they want to come in a change the meters and cut a hole in the lathe and plaster and put in a board. You think, you can't do that it to a historic home. It is really hard to talk to someone. It was a good program, because a lot of people who do take on board these homes then find it is not simple as replacing an ordinary window, it is a huge undertaking. We want people to get into the smaller areas and we do not want to lose the buildings.

If we are not giving them an incentive to maintain those buildings we will lose some of them. The question is, is this something the Minister might like to look at and potentially resurrect the program available ten years ago? To try and spread out the money which should not all go to our wonderful things like Woolmers, Brickendon and Port Arthur, it needs to be shared across the board. Does the minister have a comment to even look into that situation?

**Mr JAENSCH** - Thank you Mr Gaffney. Noting your disclosure, thank you for raising it. We know that these are pressing concerns for many people who own and live in heritage listed properties. Again, we thank them for their efforts to maintain those properties.

We also understand using those properties and keeping them warm and dry are also part of their preservation. You are right there is not at the moment an ongoing rolling program for individual owners of heritage properties to apply to for the purpose of what you are talking about.

We note the need you have expressed and are aware of it. We do have strong track record providing, as you again alluded to, one-off grants to iconic properties that assist their conservation management and their work. Be they owned and managed by Parks, National Trusts and various others over time. We do have free professional advice is available to owners of places on the heritage registration from the Tasmanian Heritage Council through Heritage Tasmania. That also assists them with statutory approvals and practical navigation of finding solutions to meet needs when you are dealing with particular types of architecture, techniques required, special trades and skills that might be required. Where there is application for development applications where you need that advice.

I would register your issue you have raised. We can point to a range of sources, TAS Community Fund and others, but I think what you are referring to is the private owner of heritage properties and their need for support, information certainly and also financial, when it comes to preserving critical elements of those heritage properties.

**Mr GAFFNEY** - It is even more than that. It is preserving some of the skills that could be owned by one or two people of small communities. That might be able to do work with sandstone or might be able to work. It is actually keeping what is attractive. The Heritage Council or whoever is responsible, are much more flexible now with supporting people with those types of houses for allowing facades and allowing design. It has come a long way than it was 30 years ago.

**Mr JAENSCH** - Yes, indeed.

**Mr GAFFNEY** - I still think it is a program if you want to put back into the community, would have a benefit, not only for the locals, who are not going to be able to put their hands up for a revitalisation of Port Arthur, or Brickendon, because is way out of their scope, but it is a way of keeping those people and those skills to the forefront. It is something if we are going to push the heritage market. So, thank you for giving that some consideration.

I think I might pass over to Sarah, if that is okay, because she had some questions on the National Trust and I might come back, Chair.

**Ms LOVELL** - Minister, can you detail for the Committee if there are any State Government funding contributions to the National Trust over the last three years?

**Mr JAENSCH** - We have a three-year, triennium agreement, with the National Trust, under which the trust has received more than \$312 000 per year.

**Mr FLETCHER** - Just over \$312 000.

**Mr JAENSCH** - Is that an indexing issue?

**Mr FLETCHER** - Has not been indexed.

**Mr JAENSCH** - In this year, as well as the current year's allocation under that assistance grant, we have committed to provide an additional \$300 000 to support the operation of the trust and to support it also to undertake some more planning around its future operations and sustainability. The Trust has made a very strong representation to us about the impact of COVID-19 in particular, on its revenues and its workforce with volunteers, as I mentioned in my opening statements and what we need to be able to do is to assist them to continue operation. Meet some of their immediate business needs and put them on a footing where we can talk to them about how our support for them works in the longer term, as a viable, ongoing concern.

**Ms LOVELL** - As you acknowledged in your opening statement and just again now, there are some wonderful volunteers who do a lot of work and cherish that work they do though the National Trust, which you have acknowledged. Are there concerns about the viability of the National Trust? I mean there must be some concern if you have provided that additional funding, specifically for that planning for their future. What concerns do you hold and what would happen to the historic properties managed by the National Trust, if that organisation was to become insolvent?

**Mr JAENSCH** - I am limited in what I am able to discuss in terms of the financial status and affairs of a separate organisation the Government does not own, but we historically we have had a relationship with the Trust. We value the properties the Trust hold and know Tasmanians love those properties and love involvement with the Trust. It is an important relationship for us.

We have received some advice from the Trust itself around its circumstances and its outlook that we have taken at face-value and have responded to help them in the immediate

term, but definitely we want to work with the Trust to look at what the options are for their future.

There are, under some circumstances I am advised, if the Trust ceased to operate the state would assume some of their liabilities, assets and the responsibilities would fall to the state. I have received some advice about circumstances in which that would occur, but our aim is to work with the Trust as part of our heritage system in Tasmania, to make sure those assets are looked after and the Trust has a plan going forward.

**Ms LOVELL** - Does the Government have a representative, or a position on the board of the National Trust?

**Mr JAENSCH** - Yes, we do.

**Ms LOVELL** - You mentioned you have had some advice on a potential liability that may fall with the government. Is that specifically in relation to financial matters of the National Trust and where did that advice come from?

**Mr JAENSCH** - As the new minister in my incoming briefs I received some information from my department regarding the government's relationship with the Trust, the National Trust Act and liabilities that the government might have if the Trust was to cease operations.

**Ms LOVELL** - Is that advice from the department?

**Mr JAENSCH** - Yes, it's come to me through the department and it's been informed by others.

**Mr GAFFNEY** - With the board of the trust, is there a CEO or a managing director? What is the formation of the Trust? What position does the government representative on the board hold?

**Mr JAENSCH** - Louise Wilson, who is here today, is a member of the National Trust Board and she is deputy secretary in the department.

**Mr BAKER** - There is a CEO and the minister appoint a representative but once they go onto the Trust they are not the government's representative. The minister has the right to appoint a board member but once on the Trust they -

**CHAIR** - It's not a representative board, it's a board where someone sits there to support the National Trust, not the Government.

**Mr BAKER** - Yes, that's right, not to support the government's agenda.

**Mr JAENSCH** - To be accurate, the advice I have in front of me which is not different but is additional detail states: It has a seven-member board, three elected by Trust members, three appointed by the minister and the managing director. That's the advice in front of me. The deputy secretary, Louise Wilson, is one of the members appointed by the minister.

**Mr GAFFNEY** - I want to understand how this relationship works. If the government has a hands-off approach, I think you said just a minute ago. You give them money over the

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last - why is there an act of parliament that covers the National Trust? What other organisation that is hands-away has an act of government? Is this something that's just traditional or heritage that we've adopted because it doesn't make sense to me?

I would be interested in the answer to that and if it is not available today that's fine. It doesn't make sense to me that we have a hands-off board, we give them money to keep them propped up and we have an act of parliament. It is an interesting relationship.

**Mr JAENSCH** - I understand that the funding that we provide is by way of a grant; it's not a funding relationship that's described under the act. It's a grant deed between the government and the National Trust which is regularly reviewed and renewed from time to time so it's not defined in the legislation.

I am not your best authority on the evolution of how we came to have an act of this kind of relationship. I'm happy for others at the table who've got more of that history under control to refer to it or for us to take it on notice. It might be more efficient to do it that way.

**Mr GAFFNEY** - We could take it on notice, and I have a last question.

**CHAIR** - What is the question?

**Mr GAFFNEY** - Why do we have an act of parliament for the National Trust? It needs to be looked at.

**CHAIR** - Please clarify it for the secretary if you wouldn't mind.

**Mr GAFFNEY** - Why do we have an act of parliament for the National Trust, and should it be looked at?

**Mr JAENSCH** - How did we come to have it? That's probably the best question.

**Mr BAKER** - I want to add to that answer because it is an interesting point you raise. Section 9 of the act actually says specifically:

The Trust is not the Crown and does not have any status, privilege or immunity of the Crown.

The act itself seeks to separate the government from the Trust -

**Mr GAFFNEY** - That is interesting when the government is the main home of financial backing and support for it. Are there paid positions on the board and for the CEO and managing director, or is it all voluntary?

**Mr BAKER** - They are voluntary.

**Mr GAFFNEY** - So the money is to run operations.

**Mr JAENSCH** - In terms of the origin of the current arrangement and this special type of body that the trust is and how the legislation came to be, I am happy for us to take that on

notice as you indicated earlier, rather than it becoming lots of notes through to the table here. We would be better to provide a statement in response to that question.

**Mr GAFFNEY** - Thank you. It is fine to have an independent board but if the independent board is continually going back to the government for the finance, you have to look at a better way of operating, potentially.

**Ms WEBB** - In terms of the listings on the register, with some of these having been listed a long time ago, is there a requirement to update listings?

**Mr JAENSCH** - Yes, the Heritage Register is a very important body of information. A lot of work has been done by the Tasmanian Heritage Council to ensure the register remains an accurate reflection of the places that are valued by Tasmanians. The Heritage Council is working through its five-year plan to evolve the register. The plan sets a vision for the register and lays the foundation to improve register entries as well as fill gaps in the register.

Improving entries means that property owners and developers can more clearly understand why the place is being protected for the future, which features are important to protect, and where the boundaries of the heritage listing end on those properties. Work is well underway to provide digital public access to the data sheet and the boundary map of registered heritage sites via the Land Information System Tasmania. This functionality is due to be released and available in early 2022.

I might ask Mr Fletcher to reflect on where the work on the register is up to. I understand, for examples, it has involved a reduction in the overall number of entries but not by delisting areas so much as there being consolidation of multiple entries relating to a single property into one entry that is more comprehensive.

**Ms WEBB** - In terms of the updating of the listings, I am interested if that's done as per a schedule, or is there a certain number that are possible within resources each year? Is it likely that could be updated every five years; what are the parameters around that? Does the owner have to agree to the updating? Are they compelled in some way to participate in updating their listing, as per the schedule or by request?

**Mr JAENSCH** - I am being nudged and everyone is pointing to Ester Guerzoni from Heritage Tasmania. In addition to my statements regarding the five-year plan being worked through to update and evolve the register, in terms of how property owners are engaged and other matters I will ask if Ms Guerzoni can add some value to the answer.

**Ms GUERZONI** - There is nothing within the legislation that requires entries to be updated but the Tasmanian Heritage Council has made a commitment to do that because a lot of the initial entries were very sparse in the amount of information. As the minister correctly said earlier, it often does not provide enough information to property owners as to why the place is even of significance let alone what they should be looking after in the property. So, as part of its five-year plan, the first round of work that is being done is to make sure our location and boundary details are correct and also each year we have a work plan. Some of that is based around how much we know we can achieve within a year based on staffing resources. Sometimes we bring in contractors and consultants to assist with that work as well so that is how that operates.

Once the work to have the register on-line is completed more work will be shifted into improving the register entries and the information in them. For example, the last financial year there were about 19 or 20 register entries that were improved, four of which have gone through the full process and 19 are still out for consultation, which comes to the question of whether owners are compelled to be part of the process.

The way the Heritage Council has been operating is when we commence either an assessment of a new place, a new entry to the register or where we are reviewing an entry, the Heritage Council contacts the owners and alerts them to the fact that this work is being completed. We ask if they have any history, have any concerns, do they have questions about what the process is, so it is a bit of a collaborative approach to try to understand how we can best address their issues and concerns or needs.

Once that process is completed and the Heritage Council provisionally registers a new entry or a replacement entry, there is a very prescriptive statutory process in the legislation which requires owner notification of the provisional registration and gives the owner 60 days in which to make a submission or objection against the changes so the owner's comments are addressed by the Heritage Council through the process and permanent registration.

**Ms WEBB** - In the situation of the updating of existing listings, not new ones, I presume updating details may then have flow-on impacts on owners who were different to the ones that had been there under the older, perhaps sparser, listing. Have you encountered situations in which owners have been resistant to updating anything?

**Ms GUERZONI** - Yes, we have.

**Ms WEBB** - Do you have a legislative basis for dealing with that to ensure that they do get updated?

**Ms GUERZONI** - It is through the statutory process, so if somebody has made a submission or objection and then the Heritage Council goes onto permanently ratify that replacement, the owner can appeal to RAMPAT, so the appeal process is independent from the Heritage Council itself. We often do as well, for complex places, develop some guidelines for the property owners around if there is a specific element of the property which is quite unique and they are not quite sure how to approach works on that area and what it might mean for them. We would assist them with some information on how they should do that and what the implications would be for them. It is a very rare occurrence that we have appeals.

**Ms WEBB** - How many, for example, would there have been in the last two or three years?

**Ms GUERZONI** - In terms of registrations?

**Ms WEBB** - Or amended updates?

**Ms GUERZONI** - I do not think any in the last couple of years. I cannot recall one.

**Ms WEBB** - Thank you. I have another separate question but same line item. Are there heritage sites on kunanyi/Mt Wellington that are on the state's heritage register? My

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understanding is things like heritage graves or ice caves or hut sites - are any of those sorts of things protected or listed on kunanyi?

**Mr JAENSCH** - Ester, are you able to give us any advice on this?

**Ms GUERZONI** - Yes, I can recall one, minister, we had the Hobart Mt Wellington water scheme which includes things like the pipeline track, et cetera, so Waterworks Road right up the mountain through the pipeline track et cetera. That's one example.

**Ms WEBB** - That's already listed.

**Ms GUERZONI** - That's already listed. I can't recall that we have any huts at the moment.

**Ms WEBB** - Are there others that have been nominated for listing that are still in the process of being considered?

**Ms GUERZONI** - I can't recall that we've had any nominations for them either at this point.

**Mr JAENSCH** - We can check though.

**Ms GUERZONI** - Yes, we could check that one.

**Ms WEBB** - Thank you.

**Mr JAENSCH** - Would you like to ask -

**Ms WEBB** - If you think that there may be something there that is beyond Ester's recall, I would like to have that information, if it's available.

**Mr JAENSCH** - I would be happy to take that on notice.

**Ms WEBB** - Sure. The question is any sites that have been on kunanyi/Mt Wellington that have been nominated for listing but not yet listed.

**Mr JAENSCH** - Indeed. Thank you, Ester.

### Grants and Subsidies

**CHAIR** - No one else? Okay. The only other one there is Grants and Subsidies and I think we've spoken about that one; it's really just the Port Arthur Historic Site, isn't it, in your Grants and Subsidies here which is the \$4.1 million for the Port Arthur Historic Site Management. That's the only -

**Mr JAENSCH** - That's part of an equity contribution.

**Mr BAKER** - We've talked about this before. We act almost like a postbox with that money. That just literally goes through. It has to be put somewhere in the Budget. It gets put in with us. We have absolutely no oversight of it and it gets paid through to the -

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**CHAIR** - As a grant.

**Mr BAKER** - As a grant, yes.

**CHAIR** - Okay. Thank you very much. That's it for the day, minister.

**Mr JAENSCH** - I have one other small item. In response to Mr Duigan's earlier question regarding the container refund scheme, in my answer I said that in terms of our public consultation on the draft bill, over 3500 people contributed to the public consultation and the feedback was overwhelmingly positive with a 98 per cent of survey respondents supportive of the scheme model.

The correct statement should have been 98 per cent of survey respondents supportive of the scheme.

**CHAIR** - Right.

**Mr JAENSCH** - Which was picked up by one of my advisers that that could be more accurate. I would like to correct what I put on the record there in that response - 'supportive of the scheme.'

**Mr GAFFNEY** - Mr Duigan asked the trickiest question.

**Mr JAENSCH** - Yes. He can see the scrutiny.

**CHAIR** - It's amazing you get a Dorothy Dixier wrong answer.

**Mr JAENSCH** - I thank my office for being on the ball there.

**CHAIR** - Some poor souls are watching back at the office, yes.

**Mr JAENSCH** - Before we close off, I thank Ms Guerzoni, Mr Baker and Mr Fletcher and my office and their team for their support in this portfolio area. Thank you.

**CHAIR** - Thanks, minister.

**The Committee adjourned at 6.03 p.m.**