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THE PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS MET IN THE FUNCTION ROOM, CRADLE COAST AUTHORITY, BURNIE ON TUESDAY 14 DECEMBER 2021

BURNIE COURT COMPLEX MOOREVILLE ROAD REDEVELOPMENT

Mr SCOTT CURRAN, DIRECTOR, ARTAS ARCHITECTS; **Mr MARK MILLER**, SENIOR ASSOCIATE, ARTAS ARCHITECTS; **Mr ANTHONY REES**, SENIOR PROJECT MANAGER, STRATEGIC INFRASTRUCTURE PROJECTS, DEPARTMENT OF JUSTICE; **Ms KRISTY BOURNE**, DEPUTY SECRETARY, JUSTICE AND REFORM, DEPARTMENT OF JUSTICE; WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Valentine) - Before we commence today's proceedings, it is important that you understand this is a proceeding in parliament. This means it receives the protection of parliamentary privilege. This is important legal protection that allows individuals giving evidence to a parliamentary committee, to speak with complete freedom, without the fear of being sued or questioned in any court or any place out of parliament. It applies to ensure that parliament receives the very best information when conducting its enquiries.

It is important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

This is a public hearing. Members of the public and journalists may be present and this means your evidence may be reported.

Do you understand?

WITNESSES - Yes.

Mr CHAIR - Would you like to make an opening statement?

Ms BOURNE - Thank you, Chair. I will make a brief opening statement so as to not take away time from questions the committee has.

We appreciate the opportunity to appear before the committee today to talk about the Burnie Court complex project. It is an opportunity, from the department's point of view, to provide a contemporary court and justice facility that will address the current and significant functional and operational shortfalls of the existing facility in the Burnie CBD. Extensive consultation with all major stakeholders in developing the design, which commenced close to a year ago now and continues, will result in a modern Supreme and Magistrates court complex that will provide safe, simplified and improved access to justice for the north-west coast community.

As mentioned, this is a key priority for the Department of Justice in providing a facility that enables contemporary service delivery, improved access to justice and will enable the department to take a long-term and whole-of-agency approach to providing justice services on the north-west coast. We hope to deliver a modern facility that will be economically and

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environmentally sustainable and provide a safe, secure and humane environment for all users of the building including persons in custody. Thank you, Mr Chair.

CHAIR - Thank you. Normally we would allow a couple of overview questions. I can commence that and talk about the location, which is of significant importance to the community that are here today and those that have been communicating through the media and all those sorts of things. Can you explain why the site in Mooreville Road was chosen for this particular development?

Ms BOURNE - Certainly. Courts have very specific requirements and a number of factors limit potential sites to be converted, for lack of a better word, into a court facility. As the committee may be aware, the original Government commitment was to redevelop the existing CBD site. After some significant investigations into that site it was discovered there was a number of limitations on the use of that site, particularly redeveloping it to the extent required to develop that modern fit-for-purpose facility, and particularly the static viable asbestos that is on site. This confirmed that the complex was unable to proceed in that location in a safe manner while the building was occupied.

The department undertook an exercise at that point in time to look at alternative options in the CBD for short-term use if we wanted to stay at the CBD site and decant to a temporary site, as well as an alternative option to redeveloping the CBD site. At that time in 2019, there were no suitable sites available, noting the requirements on a court and custody centre, and particularly some things we talked about earlier today around the controlled access to the site that many different court users need to have. That is quite limiting with regards to finding a site existing in the CBD that is fit for that purpose.

We reviewed a number of sites for lease which at the time were mostly co-occupied. We only considered properties that were on the market at that time, as we did not consider any sort of compulsory acquisition. In recognition of their independence, all courts have traditionally been on Crown land so that was, in many ways, a significant factor for us.

That process identified the site at Mooreville Road. The university had indicated through our property team that they were hoping to move away from that site, and that became an option that we considered as part of that process.

CHAIR - Has anything become available since you started this process that you would consider suitable?

Ms BOURNE - Options have been put forward informally and, as you noted, in the media. For a project of this nature, to make sure that we do the stakeholder engagement correctly, there's a number of processes that we need to go through.

At the time we had a brief from Government to redevelop the Burnie Court, and we wanted to identify a site so we could progress the project. In 2019 Mooreville Road became available and we're progressing it, that's why we're here today.

Certainly, we're aware of other sites that people have suggested. We've done our own informal work to consider those sites in terms of their suitability, and we are yet to identify a site that, hypothetically, if it were to become available in the CBD, would meet our requirements, which are fairly extensive. Secure access for persons in custody is incredibly

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complex to manage. Ceiling heights for courtrooms often makes it difficult to refit certain buildings. We're proposing to lift some ceiling heights at Mooreville Road, but it is a factor that can constrain the availability of properties that may be on the market.

CHAIR - Okay, just on the site only. We'll deal with the rest.

Ms RATTRAY - It's been suggested that Tasmania Police services need to be very close to a court facility. Can you provide some explanation as to whether that's absolutely correct? Is it a requirement, or has that been considered with the proposed Mooreville Road site?

Ms BOURNE - I'll hand over to Anthony in a moment. I can confirm it's not a necessity, but obviously it's incredibly helpful if you have police nearby for that quick response. They are a key stakeholder and we liaise with them frequently; as late as yesterday, Anthony and Hayley took the opportunity to meet with them while we were in Burnie. It's around making sure there are processes in place to provide access to Mooreville Road, and there are accoutrements and equipment on site, in the event that they need to attend in an emergency.

Our court security staff also have expanded powers, under recent amendments to their act, that enable them to take some action, if required.

Anthony, I'm not sure if you wanted to add anything to that ongoing discussion with police?

Mr REES - Thanks, Kristy. The distance of response is a consideration that has been put forward by Tasmania Police. In that process, there's an understanding that police will be there as a witness, they will also be there as prosecution, and on other means of taking people into custody. So, primarily there will be a police presence at all times around the courts.

As Kristy mentioned, the court operations or dock security was previously done by police in the courts. However, recent Government initiatives have required them to be removed. Police out of courts have been replaced by retired police officers, and they're also providing in-court security to assist the court operations officers in their processes under the security act.

So, there's a strong belief that there's enough presence there, other than for a major response, but there's always a patrolling divisional van or a vehicle out and around.

Ms RATTRAY - Thank you.

Ms BUTLER - My question is in relation to the suitability of other sites. Was that publicly advertised in an open process?

Ms BOURNE - No. Our property and procurement team undertook a CBD analysis, using inter-governmental channels - and forgive me Anthony, I forget the name of the inter-agency committee that exists around potential Crown land and existing state Government sites. So, it was not advertised as such, but it certainly was open in that the property and procurement team were liaising with and making inquiries with real estate agents, and other state agencies that have a presence in Burnie and other sites, to try to identify suitable premises.

Ms BUTLER - Is that a usual procurement process for a site as such?

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Ms BOURNE - It wasn't a procurement process. It was, I guess, a general market analysis at the time, based on what may be available with existing stock, as opposed to finding a new greenfield site.

Ms BUTLER - So it wasn't ever publicly advertised of a particular site? That wasn't advertised at all?

Ms BOURNE - No.

Ms BUTLER - Just a follow-up question. Is the Mooreville Road site owned by the Crown at the moment, or Treasury?

Ms BOURNE - It is a Crown site, and it is in the process of being transferred from Education to the Department of Justice.

Ms BUTLER - So it's not owned by Treasury. It is Crown.

Ms BOURNE - It's a government site.

Mr REES - Can I just add to that, Chair. The process for the subdivision purposes goes back through Treasury, rather than the external departments managing that divide of the property. It is a Treasury process that's maintained, so they understand where the deeds or titles go to once it is divided out as a subdivision.

Ms BUTLER - So, currently it is not a Crown site, going to a Crown site?

Mr REES - Yes, it is a Crown site. It is a total Crown site being subdivided and then split across a number of departments, including Justice.

Ms BUTLER - Thank you.

CHAIR - The reason for asking these questions is that we understand that this will go through whether it is approved by this committee or not. If it is approved by this committee, I suppose it would go through a development application stage, and that would need proper advertising and the like. Some things may or may not be addressed in that process.

What we need to satisfy ourselves of are the main questions about the works meeting a need, or needs, or solving a recognised problem; the best solution to meet the identified needs, to solve a recognised problem; proposed works, fit-for-purpose, proposed works and the value of them, and whether or not it is good use of public funds.

These are the reasons we are asking questions. We can't really enter into some of the other aspects that are in different jurisdictions.

With that in mind, quite clearly, there are certain things that one would think about in terms of placing it there at Mooreville Road, where we had that site visit this morning.

Public access via public transport: can you outline how you might have gone about looking at that aspect to make sure that it will be an accessible site for people - and what

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facilities and the like might be around that site, to help support it. Could you cover those sorts of things?

Ms BOURNE - Absolutely. We have recognised the need to make sure that people can access the site. Part of the traffic impact on the site will be managed, and is being managed, as part of the development application.

Certainly, we have had discussions with Metro, and we'll continue those discussions with the Department of State Growth, which ultimately manages those services, to ensure there is a consistent and reliable service.

At the moment, the bus stop is located outside the Court, and I think runs approximately every 20 minutes between the court and the CBD, albeit taking about 15 minutes to get into the CBD. Also, car parking is obviously a significant consideration. The project has to make sure there is secure parking for the judiciary, magistrates and staff, but also ample accessible parking for members of the public, and people appearing before the court.

CHAIR - Facilities for those attending court: we talk about amenities such as cafeterias, and the like, and people being able to get coffees. How is that intended to be addressed, bearing in mind that in the city they have access to a lot, but they might not there.

Ms BOURNE - Absolutely. It has been a very relevant and topical discussion as part of the stakeholder consultations that we have had to date.

There are very mixed views, taking into account the need, or desire, to provide amenities for court users - and balancing that need against security and the risk-requirements of having a facility frequented by a number of people and the provision of things like hot water, utensils and the like. It is an area that we continue to work through in terms of how we can potentially provide an interim option for some light refreshments for people.

Ideally, the site gives us the flexibility to create a justice precinct. If it was to attract, subject to funding and further work, other services based at Mooreville Road, it would be the perfect opportunity to create a fit-for-purpose café.

It is a balance between making sure people are comfortable without them spending extended periods of time at a court facility. There is literature from other jurisdictions and the views of some judicial officers that it is a Catch 22 situation - you do not necessarily want to provide an incentive for people to stay around longer than they need to but you need to provide them with the facilities people need when they may be there for a period of time.

CHAIR - Thank you, I am sure there are other aspects that others will bring out. Any other questions on the site?

Ms BUTLER - Supplementary to those, Chair. How many people frequent, on an annual basis, the existing court house?

Ms BOURNE - Through you Chair, if it is okay, we will need to take that on notice to get as accurate a figure as possible. The approximate figure I have is about 50 000 Tasmanians rely on access to courts in Burnie. We can confirm that and see if there is more definitive data that we can share with the committee.

CHAIR - Is it likely to be thousands either side of that?

Mr REES - We do not think it's going to be a huge change. When we are talking about the access to justice it is not only appearing in court, it is using the registry of the courts and providing and submitting the documentation. A lot of people think that it is primarily attending a court for a purpose of either a civil or criminal matter, but it is also other documentary requirements that it serves.

CHAIR - That figure wouldn't incorporate people coming in support of those people who are going to the court?

Mr REES - No, my understanding of these figures is they are services provided through the registry and into attending courts. That is why we want to take it on notice, to confirm those.

Ms RATTRAY - The list for having your matter heard in court is extensive and has been for many years. Are you expecting that there will be a higher turnover with these improved facilities, should that be approved?

Ms BOURNE - It's always hard to confirm what will increase the through-pull matters in the court. A facility that meets the needs and anticipates and provides flexibility for future growth in court services would assist that. A key focus of this project is providing a fit-for-purpose workspace for court staff who, at the current site, are working in below standard conditions, many would say. At the same time, we are noticing a demand for justice services, in terms of an increased policing footprint. Population growth can impact the number of matters coming through. I think it would have a positive impact by providing the facilities that all court users need to have matters move through the process in a much more streamlined and efficient manner.

Ms RATTRAY - The complex that has been proposed has room for growth? Is that something that is expected as well?

Ms BOURNE - It is something that the department would like, and ideally would like to seek further government support for. One of the benefits of the site is that it provides flexibility to undertake a master planning process. If this project was to proceed, it would provide opportunities for other justice and support services to be based from the site. The additional buildings give us the opportunity to do that, and even account for additional tribunal space, now that we have the Tasmanian Civil and Administrative Tribunal on board. If the needs of the court continue to grow another courtroom can be added on. It has been factored into the design for future needs. It can be added on to the side to make the most of the footprint at the site.

Mr TUCKER - We were told that the subdivision site was about seven acres. What is the size of the total site?

Mr REES - We are just trying to clarify that. We asked that question just to confirm. If we could return to that.

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A Witness - The court site is 26 732 square metres. The total site it was subdivided from was 95 180 square metres.

Ms RATTRAY - Who's going to convert that to acres?

Mr TUCKER - Leave that to the Chair, he is working on it. Coming back to the original site where the courthouse is at the moment, can you elaborate on what we saw this morning when we looked at that site such as the limitations of redeveloping that site, including the solid walls, the weightbearing walls and the asbestos that is used through the building? So, the public can hear that, please.

Ms BOURNE - As we saw this morning the building in the current Burnie CBD opened in the early 1970s and has not had the benefit of any major upgrade or refurbishment since then. In summary, it is not fit for purpose and does not meet the essential functional and operational requirements of a modern court facility.

The structural form work creates some issues in terms of being able to undertake significant structural change to the building, given the manner in which things would need to be moved and the cost associated with that.

The security requirements at the moment, the flow of people, the separation of various court users and their amenity, and the access to all the facilities contained within that building by people who have accessibility limitations or disability is incredibly limited. There are also some outdated and inefficient redundant mechanical, hydraulic and electrical services.

Our investigations when we first considered refurbishing the building detected that significant work or complete replacement of those services would need to be achieved. Given the asbestos contamination located during that process it was identified that that work could not happen without decanting the existing site. For a court that is very difficult to achieve without impacting access to justice services.

I have already touched on the flow of persons and court users which can create security issues and at times potentially compromise the court process. I might throw to Anthony if there is anything I have missed or to add.

Mr REES - In addition to that, the current complex has a number of weightbearing solid walls that couldn't be moved. This limited the development improvement. Previously we had a design that fitted into that service but it wasn't ideal for what all the court users needed. The contamination, which is safe at the moment because we are continually monitoring it and making sure that while it is stable it is okay, would become a major issue for everyone if it was disturbed. The works going into decant would almost equal the value of the redevelopment price of the \$15 million.

CHAIR - You mentioned a master plan. Has that been formally put through a planning process or is this just a thought bubble? Can you give us an understanding as to how far that has gone?

Ms BOURNE - Sure. It's very preliminary stages. We don't want to pre-empt the outcome of this process or the development application and other processes along the way; but certainly, acquiring the site, we are starting the preliminary work internally within the

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department to consider how we can best put a case to Government for the future expansion of the Department of Justice's presence on that site - noting the benefits it can bring to our own services, other services that are provided to the court and potentially external providers.

CHAIR - Is there any intention to take that out to the public for comment?

Ms BOURNE - I suspect absolutely. We are a long way off that point. We need to convince Government that it is viable, and then we would follow all proper processes in terms of potential use for those existing additional buildings.

Ms RATTRAY - It has been suggested in some submissions to this process that, for instance, TIA, as a long-term community member, will be a significant loss. Is TIA being pushed out, or have they chosen to put their hand up and say we're leaving?

CHAIR - Sorry, TIA?

Ms RATTRAY - Tasmanian Institute of Agriculture.

Ms BOURNE - The decision for UTAS to move from that site was made well before we had made our investigations at the current CBD complex and started looking for alternative locations. So that is a decision for UTAS. We know that TIA is staying on the site. They are there at the moment. Although the remainder of UTAS occupants are no longer at the site, TIA is staying until the end of 2022. We are anticipating to complete construction at the end of 2023. My only comment would be that has been a decision of UTAS. We have no need to seek that they leave. That has been a decision of UTAS.

Ms RATTRAY - If TIA wanted to stay on that site they would be most welcome to do so? Is that correct?

Ms BOURNE - Yes.

Mr REES - At one point, TIA was going to continue on for a little further time - that was our initial advice - and they were considered in the site development, as we were giving them the location and continuing on with their lease. However, with discussions outside of the Department of Justice with other department areas and outputs, the advice has come back that TIA wishes to move and finish their lease at the end of 2022. The vacancy will then become available from January 2023.

Ms BUTLER - Has there been any community consultation undertaken at all on the location?

Ms BOURNE - No community consultation on the location until we were at a point where we had a project that we can take to the community. We are very much aware that it is embedded in a community. The development application process provides an opportunity for community to participate in that process. However, it is the department's intention that once we hopefully move through this process that we can start targeted consultation with residents who are nearby the court to talk them through the plans that we now have, which have only very recently been settled. Not wanting to pre-empt this process; that is our intention.

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Ms BUTLER - And there will be, if this is successful, community consultation before the master strategy stage?

Ms BOURNE - Yes, absolutely. There needs to be a fair bit of water to go under the bridge until we get to that stage. Ideally, we need to have government support to progress any further opportunities that may be realised at that site. I would like to think that we can continue that dialogue with the community once, or if, we get through this particular aspect of the current project.

Ms BUTLER - Was that a normal process, to not undertake any community consultation when placing a project such as this in a residential area?

Ms BOURNE - We have been communicating formally with key court users and other stakeholders for over a year now. In identifying a site, the department will take into consideration the location of the site. Ordinarily though, we need a project that we can take to community so they can comment on it, once we have something that we can share and openly discuss with them, taking into account these processes.

Mr TUCKER - Have there been any inquiries about this master plan from people moving into that area - such as, solicitors, barristers, other people looking at that?

Ms BOURNE - Very informally. I think they could be described in that way. Parts of the Department of Justice which frequently access the courts have inquired about whether there's potential for them to establish a permanent presence on the site. To my understanding we haven't been approached formally by others, such as private practitioners and the like. They're discussions that we'd like to have, if the opportunity arises down the track.

Mr TUCKER - Did that lead the thought process around a master plan, or had that already started?

Ms BOURNE - Those informal interactions have confirmed for us the opportunity that exists at the site. Particularly, our presence growing and the establishment of TASCAT and the like, has prioritised the need for us to, once we get through the current project, formalise some options about how the remainder of the site could be used.

Ms RATTRAY - One final question from me in regard to the site. The proposed site is fairly close to a local house of worship - within 50 metres, I'm informed. Has there been a conversation with a neighbour as close as 50 metres? There's not even a fence, I believe.

Ms BOURNE - I don't believe there has been a conversation with the church. Ideally, as part of the next stage of the process, before we get to the development application process - if we get through this committee - they would be a key, close stakeholder.

Ms RATTRAY - I'm just ticking off, my list here, thank you.

CHAIR - I'm sure the other submitters will bring forward matters for us to consider, but if we can go to the report proper. I wanted to deal with that side issue because it is important and separate to the development itself, if I can put it that way.

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In this case it's a significant executive summary, so we'll start on page 4, if anyone has any other questions that haven't been covered already. I'm pretty sure we know what the objectives are and the purpose of the document, but if there are other questions on that page?

Ms RATTRAY - In regard to the two new magistrates courts, at this point in time the current facility has one only, is that correct?

Ms BOURNE - The current facility has two magistrates courts and one supreme court. The 'new' refers to new construction. We're not refitting an existing court as such.

Ms RATTRAY - It's not adding a new space -

Ms BOURNE - No.

CHAIR - The custody centre, and what you have now compared to what this new development will provide. Can you run through that aspect?

Mr REES - The new custody centre, or holding centre, is for the purposes of holding people short-term, who are attending court, or remanded in custody from the courts -

Ms RATTRAY - Short-term?

Mr REES - Short-term, it's not overnight -

CHAIR - Did you say it's not overnight?

Mr REES - Not overnight, no. It is designed to a maximum-security requirement to allow for the security of any type of a person who is remanded in custody, who is required to be managed by the courts. It has a number of holding cells that are individual for juveniles, as well as males and females. It has a group custody cell which would require people, if they are accused together to be housed whilst managed there. There are interview rooms for their legal practitioners to interview them at that location.

There are also a number of vehicle access areas to allow for Tasmania Police and the Tasmania Prison Service to deliver offenders via the custody vehicles in a safe and contained manner to ensure that there is no risk to the security. The actual compound itself is within a secure fence line as part of the secure parking and the secure zone at the back end of the court.

CHAIR - For clarity on that fence line, because there will be people wondering where that fence runs from and to, when we visited there today we came down the road and there was a significant car park on the right. That fence is not fencing that off. This is further down the road, is that correct?

Mr REES - Yes, that's correct. The security compound more or less starts at the bottom of the road before it goes through the group of trees that are at the end of the road. The road will turn around and run up the tree line, for instance.

CHAIR - That is a new road?

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Mr REES - New road, new development and a change of a couple of car parks in that area. The fence will run along the edge covering up the turning compound and into the back end of the custody centre to ensure that no one can get to the sally port, or the entrance of where the vehicles go in for the purposes of dropping off and/or picking up people who are in custody.

CHAIR - I still don't know why they call it a sally port. But anyway, it's an interesting name.

Mr REES - I think it is a correctional term.

CHAIR - Drop-off?

Mr REES - Yes, drop-off and reception area, a secure area.

That secure fence line will be controlled by a security gate and come along a little bit of the current car park to a bollard area and then back across to the building so there can be some secure car parking for staff.

CHAIR - Do we have any understanding as to what that fence is likely to look like?

Mr REES - Down the outer edge it will be more like a three-metre-high chain link fence and the security gates will be a normal compound and an anti-climb area so that people can't access these or crash through them. But, primarily, we are trying to be non-invasive down that boundary line to ensure that it gives protection but also blends in well with the environment in the area.

CHAIR - So it will have some sort of a cladding on it, will it, that chain fence?

Mr REES - Not at this point, no, because we want to be able to see if there is anyone on the other side and it is just more of a courtesy security fence to keep people out and to allow the police and Tasmania Prison Service to safely move people around in custody.

CHAIR - The judges and magistrates and jurors, obviously all people who need protection from time to time, how are you managing to ensure that on this new site?

Mr REES - That, again, is in the same security entrance with the controlled gate. However, the justices and the magistrates will go to a secure compound, for want of a better term, where their cars will be in a further secure and covered area.

The jury will only be in a parking area once they're empanelled and they're sitting as part of an empanelled jury, not just attending for jury service. The car parks are there to provide security and support for those who are currently providing that service to the community as a jury member. They will be incorporated with some of the registrars and administrators as well as the staff in that security compound.

CHAIR - Thank you. Any other questions on that page at the moment?

Ms BUTLER - Will there be any amenities such as convenience stores or cafes, or somewhere for people to be able to get a drink or something to eat, or somewhere for them to sit outside, as part of the design of the project?

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Mr REES - The amenities of sitting outside and sitting in the public area inside the courts, yes. There will be seating but limited obviously because we need to maintain a security process under some of the security advice we've been given. The cafe, or a shop venue, is not part of this process as discussed previously but is something that may have been talked about in that master planning process. But for this project, no, there is no cafe or shop in this build.

Ms BUTLER - The reason why I ask is because I don't think there is anything within the vicinity and you have 50 000 people, as a base, who will be using that every year and people do stay for significant amounts of times at court. Even when we were speaking to the magistrate this morning, she stated that sometimes they have to say to people, 'Can you come back in three hours' time' or half an hour's time, or 'can you hang around?' Will you be able to cater for that, as there are no real shops or places for people to sit for long periods of time?

Mr REES - That is a good point the magistrate has raised with the current location of the CBD. Catering for it directly, no.

The means of being able to manage the list is independent to the courts from the project. Who needs to be adjourned for a sitting is up to the magistrate and the length of time of that is directed by the magistrate or the justice.

Providing those services in there - yes, there's a lot of people coming through. Some of those people, or a vast majority of them, are dropping off or picking up documentation and running through and there may not be a need to provide that direct sitting around. But for those who, as you say, could be there for a long time, which there could be a few, there is only a potential thinking about some minor vending machine process, but no direct shop or cafeteria.

CHAIR - On the last line of that page 4, 'state-of-the-art audio-visual connective technology within the courts and meeting spaces', what percentage of court hearings would generally be heard via video link at the moment? Presumably, depending on what COVID-19 does, I suppose, it might be even more. Can you give us an understanding as to how often those sorts of facilities are used and how that might impact on the number of people using the site?

Ms BOURNE - I don't have a percentage, but we could certainly try to find that for the committee, take that on notice.

CHAIR - Just a rough idea.

Ms BOURNE - Anecdotally, particularly with COVID-19, everyone I think has experienced a bit of a surge in how we utilise technology, and courts are no different.

They are limited, particularly the magistrates court across the state and more so in Burnie, by the infrastructure. That is why this project will provide an opportunity to bring that to the level that is required to provide the seamless contact, particularly with the prison. It is very much a priority of the department because it frees up time but also it reduces the need to transport persons in custody to and from correctional facilities to the courts, which is really important. A significant number of matters that can be dealt with electronically, a lot of work happens with regard to facilitating pre-recorded witness and vulnerable witnesses or protected witnesses so that they don't need to go into that court environment. So, the uptake, I would

anecdotally say, is increasing. The introduction of further technology will accelerate that, I would suspect.

CHAIR - Thank you.

It has been brought to my attention that we are actually oversubscribed with people in this room for COVID-19 safety. Can we have that checked?

Ms RATTRAY - It says on the door 24 but I am just bringing it to the attention.

CHAIR - There are 25 in the room. Does anyone wish to be the fall guy? We don't need two to go, only one. Thank you. There are rules that we have to stick by and I hope you appreciate that. We are not trying to make life hard for people.

Okay, Page 5. You have a question?

Ms RATTRAY - I have a question around the funding. This initial project was cited as \$15 million. Now it's \$40 million. We have to be satisfied that public funds are being used appropriately. Can we have some idea of why we would need to spend, if this was the case, \$40 million on repurposing a building that was only new in 2009? It is quite new.

Ms BOURNE - A number of factors. The original \$15 million allocation was for the refurbishment of the current CBD, which, as we have discussed, was not able to be achieved for a number of reasons.

The construction of core and secure custody facilities is traditionally more expensive than an office fit-out, given requirements around circulation of key court-users, secure elements, securer areas to prevent the flow of traffic into areas that certain users shouldn't be in.

Also, current consultant advice regarding the construction market at the current point-in-time, including the effects of COVID-19, and construction stimulus that we have talked about before, show that the market impact is around 20 per cent to 40 per cent above market estimations, growing annually at around 7 per cent.

It was through the development of identifying another site and what those requirements would be, that we identified that additional funding would be required.

Anthony, is there anything you wanted to add with regards to requirements of court and custody settings?

Mr REES - The uniqueness of courts and custody settings is required to keep everyone separate for the administration of justice. It adds a bit of complexity, to not only the design process but also the expense. Just to put it into perspective, the 2013 figures for a redevelopment were \$17 million at the current site and, for a green-field site at that point-in-time, was \$37 million. That was excluding the acquisition of final purchasing of property for those purposes.

The increase of going through and getting the \$15 million original funding, then the exercise we are doing with Mooreville Road to provide the services similar to the current court,

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as well as the improvement for a contemporary environment, we believe is quite sound, from the consultant's advice.

Bearing in mind, the \$40 million, as a component of construction, which is about \$29 million of construction, the remainder is in consulting, contingency, and project management costs.

Ms RATTRAY - Thank you.

CHAIR - From an architectural perspective, what would be a general cost per square-metre for a new build these days? I appreciate this is a special build in the sense that it has aspects to it that are a bit above normal. But in general terms, what would be a square-metre rule-of-thumb that you would place on developments?

Mr CURRAN - We currently have a project that came back from the Quantity Surveyor last week, and the square-metre rate was \$4000 for an office, and meeting and conference area.

CHAIR - Is that single storey?

Mr CURRAN - Yes. Single storey.

CHAIR - Do you have any comparisons with double storey developments?

Mr CURRAN - Not really, but this building has air-conditioning and has some requirements for double-glazing. It doesn't have anywhere near the requirement for the security that we are looking at, or any of the other high-end level of construction that we need for this type of building.

CHAIR - I am just trying to get a feel because this is about \$10 000 a square metre.

Ms RATTRAY - \$10 420.

CHAIR - \$10 420. If you take the figure in here - 3838.5 square-metres - \$40 million comes out at about that, I think.

Mr REES - Something for consideration that you noticed when we did the tour of the current site - it was quite hot and quite stuffy for the process.

The new Mooreville Road does also require a fit-out of plant and an air-conditioning processes which is an added cost into that environment. It is currently as an air-flow environment. A new plant and new air-conditioning system has added some cost to that process.

Ms BOURNE - The construction cost anticipated for Mooreville Road redevelopment is \$29 million which is still a significant amount of money, but I think it brings the per square meterage down to -

CHAIR - It would if it's \$29 million, but I'm just going off the \$40 million; but yes, okay. Any other questions on page 5?

Page 6 - we've covered some of that traffic management pedestrian access; the site you've chosen, there's a fair bit of space there for that sort of management. Design approach: the federal circuit and Family Court of Australia - part of that has been stopped, hasn't it?

Ms BOURNE - From the Supreme Court, yes. There was a long-held tradition of the Federal Court utilising what used to be our Magistrates Court space, transition to the Supreme Court. With the swearing-in of Judge Jago, who is our first judge based on the north-west coast, there was very limited space so the Federal Court was asked by the Chief Justice if they could find an alternative space. The department has been working with them to try and find an alternative space. Some arrangements have been made in the new year. We're talking to them about potentially utilising some of the space at Mooreville Road, in the existing project. In terms of the broader opportunities for that site, we're very informally engaging with the Federal Court around the potential for them to establish a permanent presence at that site. So, yes, there have been some changes recently.

CHAIR - You've said:

All design and construction work must confirm to the National Code of Practice for the Construction Industry, including the Tasmanian State Annexure.

Is there anything in this development that grates with that national code of practice? Does everything fit, everything's within the code?

Ms BOURNE - I believe so. Mark?

Mr MILLER - We are putting in quite a bit of significant work at the minute on how we manage people throughout the building. We have the secure access requirements. We need to be able to get people out. Probably one of our biggest challenges is getting people out safely and securely, whilst managing people in custody - keeping people not in custody secure and safe and separated through the building.

CHAIR - I imagine that would have its challenges?

Mr MILLER - It does, under the code. We've engaged a fire engineer to help us through that, along with the help of a building surveyor and a security consultant.

CHAIR - Do you have to have boosted fan arrangements so that you're extracting certain volumes of air, more than you would in a normal building, because of the complexities of what you're handling?

Mr MILLER - Not at this stage; but we are in the very early stages of design. There'll be an increased coverage of fire extinguishers and detection and the ability to have early warnings in the custody centre, so that any emergency - particularly fire - can be quashed.

CHAIR - Any other questions on that? No? Moving over, any questions page 8, page 9?

Ms BUTLER - Would you be able to provide for the record any information about what will happen to the current site?

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Ms BOURNE - Our understanding is, it will be handed back to the Crown, to Treasury, to make a decision about its future use. Some options that have been discussed informally, not with the Department of Justice, but the sort of chatter you hear about potential uses; but that's a process that doesn't involve the Department of Justice.

Ms RATTRAY - I'm interested in disability access - the existing facility compared to the proposed, new facility. They're probably poles apart. I think I trudged up and down about 50 lots of stairs today and I am able bodied.

Mr REES - The current facility has a lot of stairs, a lot of different access points because it is multi-storey and narrow. We probably landed on about 25 different landings among the stairwells as we went around today. Not only the stairwells for the users, the front-of-house access is quite steep and does not meet any requirements. Then there are the doors and entry points for the security screening as well as getting into the courtrooms. It was designed in an era which did not allow for much conversion with the current requirements. There are means and processes to try to support people who are in custody who require that disability access. It is quite cumbersome and impinges on the security and custodians of the person in custody.

In the new redevelopment we are considering all options with the DDA that we can. We are going through processes and building designs to allow access for those who require not only ramped access but who are visually or hearing impaired to ensure people with most disabilities, if not all, can be catered for. If there is anything outside that area there's a policy platform that we'll work with the DDA consultant on to ensure that we are covered.

CHAIR - At the site visit this morning it was noted that the original architect had changed. Why was that necessary, what led to that? I am not expecting the architects here to comment on that.

Mr REES - No, we won't throw to them. With the original redevelopment of the current Alexander Street site, there was an architect firm engaged. They provided all the advice, right through to some supporting options and analysis once we found all the issues around the asbestos.

CHAIR - That is for redeveloping the current site?

Mr REES - Yes, at Alexander Street. When it became a new, separate procurement because we were moving the funding to a different location, it was strongly advised that we looked at repurposing or reprocurring the services of a design team.

CHAIR - Because it was a new project rather than on-site refurbishment?

Mr REES - Yes, as a department we didn't want to not go back out to the market to give the opportunity for getting a design team to provide us with that support. We terminated the first design team's contract and then went through the procurement processes and approvals to go through the assessment and get the current design team.

CHAIR - They would have had the opportunity to put in for that if they wanted it?

Mr REES - Yes, they did.

Ms RATTRAY - Did that incur any compensation?

Mr REES - There was no compensation paid other than finalising all their work to that date for the design work and the support options that were provided.

Ms RATTRAY - How much of the original \$15 million was spent on that process? Is that available? We might not have \$40 million left.

Mr REES - No, it wasn't that much. It was around the \$340 000, give or take, \$10 000. It was only 12 months into the procurement process and the early design stages. We were fortunate enough to catch it an earlier option rather than going into the full detailed design and into the construction design.

Mr TUCKER - Following on from there - this is on page 10, just over from page 9:

They also advised it was not possible to compartmentalise the building so that the works can be safely undertaken in stages allowing services on site to continue throughout.

That was looked at as well and the issues around that, which we could also see this morning. Can you expand a little more on that?

Mr REES - Yes. With the options analysis that I spoke about and that you have referred me back to, there were a number of options: doing construction work while the courts were in operation; there was a decant option; a redevelopment elsewhere; or a greenfield site option.

The courts quickly explained their issues and frustrations with trying to work the courts as well as doing construction. Doing compartmentalised work would have also increased the cost as they would have done work to an area and sealed it, and then work to another area and reopened and joined. It would have increased the development cost, which was part of the consideration of working out where the best move for the department was.

Mr TUCKER - You mentioned earlier about the cost of doing that with the \$15 million that was budgeted to it. Can you explain more about that?

Mr REES - The initial advice on the decant option, which was a step down from the compartmentalised option of doing the work whilst in-situ, was that it could have been up to a 24-month decontamination and construction time and to find a temporary site for two to three years, depending on where the works were, would require fitting out a court for the purposes of a court, including a proper detention centre to maintain the standards, as well as the court standards. That is when the difficulty came in, being able to provide that custody centre, the court high requirements, and the separation of all the needs and flows to make sure the administration of justice occurs.

Mr TUCKER - What has been done on that?

Mr REES - The cost was quite substantial, because effectively we were going to build another court for a period of time and then we would move it.

Ms BUTLER - On page 11 it states:

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The Mooreville Road site will address many of the issues currently faced by the Magistrates Court and Supreme Court in Burnie. It will also improve access to services in order to support the court processes.

Can you explain what that means?

Ms BOURNE - Sure. Access to services refers to the provision of legal services. So, those provided by Office of Director of Public Prosecutions, Legal Aid, private practitioners and defence counsel. Also, services provided by Community Corrections and other youth justice support services, or non-government support services, to people either appearing in court or support persons. Providing them with a dedicated space in the current design to sit themselves for the time they are in court with appropriate amenity, such as desks, printing facilities, kitchenette, toilets, and those sorts of things.

Ms BUTLER - Okay. It is still not clear whether the current services that surround the current Magistrates Court are going to relocate near the project site - Legal Aid, the DPP, other solicitors, other legal requirements. Are they are going to be close by or three kilometres away?

Ms BOURNE - They have a dedicated space in the current court design, desks for them to work from during the day. Regarding discussions around a permanent presence, moving their offices to the site, from an internal perspective we had informal discussions with certain services. That would be part of the work that we hope to do on the future expansion of the site. In the current design there is a more extensive hub for court support services, particularly legal practitioners, to work from in the day. Currently some services are located directly across the road from the existing site. We need to make sure they have their own comfortable space on-site that they can work from, where they can see clients, take instructions and spend as much time as they need.

Ms BUTLER - Thank you.

CHAIR - Moving over to night court access. Can you expand on that?

Ms RATTRAY - Out of hours.

CHAIR - Are we talking about 11 p.m., 6 p.m.? Can you explain what that entails, and what people might expect?

Mr REES - Yes, no problem. The after-hours courts currently sit between Devonport and Burnie.

Ms RATTRAY - So, they alternate?

Mr REES - Depending on where the residing Justice of the Peace is, for the purposes of Tasmania Police presenting someone who has been charged before the courts.

CHAIR - Bench justices.

Mr REES - Yes, bench justices, thank you. They are currently scheduled to sit at 6.30 p.m. most nights, and 11 on Saturdays and Sundays.

Ms RATTRAY - Is that 11 a.m.?

Mr REES - Yes, not 11 p.m. That is only on an as-needs basis. So, if Tasmania Police have gone through their investigative and charging processes, they then make application to open the court, and the court sits at either location, depending on who is rostered. Our advice at this time is that they use that requirement about two or three times a week.

However, some weeks that could be higher because of policing operations, or requirements to put people before the courts to see whether they are remanded in custody or not. And, the actual court complex itself is designed in a way that will actually allow for the one court to be opened through the secure access and controlled by security, minimising the impact to the building and the surrounding areas.

It is actually an enclosed process, using one of the court's magistrate's courts as the night court to allow the legal support teams as well as the police prosecuting teams to present to the bench justice.

CHAIR - Thank you, we appreciate that. Any other questions on that page? Page 14 talks about compactors and weekly storage space, configured to allow court staff to plan and operate court files or court proceedings. This is becoming increasingly digital, isn't it? Would that requirement be less and less as we go forward?

Ms BOURNE - Ideally, yes. The Justice Connect program, now known as Astria, which is scheduled for tranche 1, coming into effect in October 2022, is ideally providing an end-to-end digital solution between someone's reception into custody through the court system and potentially into Corrections. But it will take some time to see the benefit of moving to a digital way of doing things.

CHAIR - So, you still need some storage?

Ms BOURNE - We still need some storage, yes.

CHAIR - Okay. A very mundane matter, but something that is really important, is the size of the lifts. Are you replacing the lifts? Are you catering for the width of furniture and those sorts of things? It is a bit late once it is built.

Mr MILLER - The existing lift will remain as the main public access lift. We are installing two additional lifts. One is a dedicated magistrate lift. The other one is for the jury, Supreme Court justice and judges, which will also service that night court. As a rule of thumb, we would always put in a lift that is compliant to put in a stretcher in an emergency. It's not a goods lift, but can fit a stretcher.

CHAIR - Okay. Sometimes you wonder how people approach these things, and you see buildings and you think, why on earth didn't they put a bigger lift in.

You talk about a weapons discharge room. Can you explain that please? We are not talking about a testing range here, are we?

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Mr REES - That terminology is probably a bit confusing. The purpose of that room is for Tasmania Police not being able to take their firearms in, unless they are responding to a situation. It is more a firearms storage room to meet all the firearms requirements.

CHAIR - Taking their ammunition out.

Mr REES - Yes, potentially, depending on the commissioners' advice. That is a complete Tasmania Police advice. We provide the room, but should there be - and hopefully it never occurs - an unintentional discharge, that round is contained in that room. It meets all the requirements of a normal discharge room, hence the weapons discharge name. So, it's not for the purposes of firing, or using it as a range. It's for the purposes of an unintentional discharge, which hopefully should never occur.

CHAIR - I wanted to get that on the record, thank you. Further questions on that? Okay, page 15. We heard this morning from the magistrate that there's a need for good insulated rooms, in terms of sound, and sound transfer, and what they're able to hear and not hear. It's very important that they don't hear what's going on, to not disturb them, but also to not compromise them, I suppose. Can you explain what you're doing in terms of sound and the like?

Mr MILLER - We are really only in the very early stages of that. We have an acoustic consultant who will provide advice on how we treat each of the different areas. The courtroom will effectively be soundproof, to the point of not being able to hear anything on the outside. All the courtrooms are being constructed with an airlock to try to conceal any sound that may find its way through the door openings. Then, as we move back through the chamber areas and some of the offices that deal with more private and confidential matters, the wall and ceiling construction will be increased significantly in some areas to cater for additional acoustic treatment.

CHAIR - Thank you. Anything on page 16, 17?

Ms BUTLER - The standard to which cells are built changes frequently. They're constantly being upgraded. Will these be built to the standard right now - or, because it will be another two years before they're built, are we futureproofing them so we don't have to then upgrade?

Mr MILLER - The department has completed an upgrade of the cells at Launceston Supreme Court, which is the model they're currently comfortable with. We think they're quite a spacious area. They have a seat and toilet facilities, and that's the direction we're heading at the moment. We've allowed five cells to cater, as Anthony I think stated earlier, for juveniles, for a person with a disability, or for multiple people.

Mr REES - If I can add to that, about the construction we did for the Launceston Supreme Court, and now further to your question of actually improving. The Launceston Supreme Court was done prior to the standards for adult custodial services, which reflect the Australian and New Zealand standards for corrections guidelines, and that's something that we need to consider. It's not a direct correctional facility, but we want to make sure we provide that support and comfort, not only for the court users and those people unfortunately put in custody in the courts for that period, but also to ensure that there's no actual community risk, because we're building it to a maximum-security process.

Ms BUTLER - Will the design of those cells eliminate the opportunity for conversation between people, between cells? We were talking about that this morning when we were looking at the existing site.

Mr REES - I won't say totally eliminate, because of some of the observation requirements. Using polycarbonate, or jail glass fronts, will allow them to potentially see each other as they're moving around, and allow for the staff to make sure they're safe and secure in their time of confinement.

Most of the talking will be eliminated, but it won't be able to stop people yelling and so on, because it is an actual operational area, and it requires a space for correctional and police staff to actually maintain control and security of the offender, should that be required.

Ms BUTLER - Is that particular area designed with consideration to the custodial officers as well, to make sure they meet OHS requirements?

Mr REES - Yes. It's built to the adult custodial services standards. It meets those requirements to go through to provide a safe working environment for the physical infrastructure. Safety also comes in the dynamic security as well, because it is a static security that we put in.

CHAIR - Risk management. Do you have a good risk register?

Mr REES - We have a risk register that we are working to, continually updating and working through. Ideally, we would like to try to manage all the risks and issues presenting to us. We are very active in dealing with items that are presented to us, and working through those.

CHAIR - Is there a project management methodology you are using in particular?

Ms BOURNE - Yes. The team Anthony is from, Strategic Infrastructure Projects, manages the department's major projects, which is overseen by a Major Projects Oversight Committee chaired by the secretary of the department. This particular project also has a Project Control Group that includes the Registrar and the Administrator of both courts. Sitting underneath that, the -

CHAIR - Like on page 21?

Ms BOURNE - Yes. They meet regularly and are provided with a project update including the risk register to manage each time we meet in terms of things that may have changed or need escalation. Under that we have our stakeholder reference groups that feed up to the design team and those governance structures.

CHAIR - Thank you.

Ms BUTLER - As a supplementary, would this potentially be viewed as a major project, under the major project legislation?

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Ms BOURNE - That's not something that we are intending. It will be managed through the normal planning process.

Ms BUTLER - It has a different opportunity for community consultation if it is a major project, that's all. I wanted to make sure that was on the record.

CHAIR - It's not a regional project. You are saying you are going to use a normal development application process through local government?

Ms BOURNE - Yes.

CHAIR - Consultation and governance on page 20. We have entered into that.

We look at the consultation there, and who you have consulted with. It is pretty clear that the community is not involved there. You have explained that is at a later process. Have you got any other comments in that regard? I don't know that there is anything else you could say; but in terms of the community consultation?

Ms BOURNE - Just that the community is a key stakeholder. There are many stakeholders that need to be managed. As a court premises, to get us to this point, the first cab off the ramp has been those key court users - judges and magistrates, and their staff, to identify their needs.

As the submission talks through, that engagement started over a year ago with representatives from a number of stakeholder groups that meet, formally, every three months, with a lot of informal work in-between. They are split into key stakeholder groups: judges and magistrates; key court users including courts, Law Society, Department of Public Prosecutions, Bar, counsel, Tasmania Police, and others. There is another group that involves unions, and our staff, who have fed very heavily into the design to get us to this point.

CHAIR - Would you have consulted with the official visitor, bearing in mind we are dealing with people who may or may not be guilty. We always have to keep that in mind, how they are being treated and dealt with. Have you touched base with those who are representing people who might be clients of the system, if I can put it that way, in some shape or form?

Ms BOURNE - As in the custodial inspector?

CHAIR - The custodial inspector would be one. Yes.

Ms BOURNE - As I understand it, Mr Connick is not formally engaged at this point in time; but that is certainly something that we would do, noting that the custodial requirements are to a standard that meets the specifications. I don't think they fall within scope at the moment; however, OPCAT, the Optional Protocol to the Convention against Torture in a custodial setting that the Government has recently passed legislation -

CHAIR - Yes, we had that go through our House.

Ms BOURNE - Yes; that extends the breadth of that oversight function. A key consideration is ensuring that any detention facility we have meets those standards.

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Mr REES - Most of those reporting agencies or support inspectors mainly focus on where someone is there for a 24-hour period or greater. So, it is more like the reception prison -

CHAIR - Okay, that is an interesting point.

Mr REES - or the other main prisons. However, they are more than welcome to come and have a look and we'd engage with them with the processes.

CHAIR - Especially facilities for people with disability and those sorts of things?

Mr REES - Yes.

Ms BUTLER - I have consulted with a number of group B and group C. I definitely know two from group B and two from group C, who stated that they were not consulted about the location at all. Apparently, there was, in one example, a meeting that they were asked to attend and they were told this is where it is going to be. Is that a normal process? This reads as if there has been proper consultation with all these groups; but from the advice that I got from not just one or two, but from a number of those groups and representatives from those groups, they were not consulted. They were just advised that this is where the site is going to be, the department's made up its mind. Is that a normal process? That to me does not seem like a proper consultation process?

Ms BOURNE - For the purposes of this project we formally engaged with key stakeholders in December 2020 once we were able to work through the issues identified with the current site and identify a potential alternative site that key court users were comfortable with. They would not have had insight into the decision to move to Mooreville Road, but as soon as we had Government commitment to the site, we were able to, I would say, aggressively engage with stakeholders to make sure that they were informed about the proposal and provide the opportunity for them to feed into the design process.

Ms BUTLER - There may have been consultation in the design, but a number of them were not consulted about the location.

Ms BOURNE - I consulted with some stakeholders informally about the proposed options coming out of the work the department did on the ineffectiveness or unavailability of the existing site. However, this governance structure did not come into place until Mooreville Road was confirmed as the other option that was being considered.

Ms BUTLER - So the community was not consulted and the majority of the stakeholders were not consulted about the location? It was after the fact?

Ms BOURNE - It was after the fact, however, soon after the fact, and to make sure they had the opportunity to work through issues of concern to them to inform government around the Mooreville Road site. They provided key feedback to inform its development noting that, at that time, the Mooreville Road site was the only viable option to redevelop the Burnie Court complex. It provided an opportunity for us to progress this important piece of work, but those consultations commenced once that decision was made.

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Ms BUTLER - With all due respect, there was not even an open tender or open advertising program put into place to ascertain if there was another site that could potentially be used.

Ms BOURNE - Technically, there wasn't an open tender process, but the department undertook an extensive process to map what was available in the CBD at that time, informed by the previous consultants we had engaged, who provided a great deal of advice around the suitability of potential sites. Mooreville Road was available at that point in time, which led to discussions and analysis about its suitability, and it was the most suitable site available at the time.

Ms BUTLER - Thank you.

Ms RATTRAY - Just a follow-up question. Part of group C is Staff, Community and Public Sector Union (the CPSU), United Workers Union (the UWU), and the Police Association. We were told this morning that there has been staff engagement at the current site. I am just working out who to rule out here in that lack of consultation. Can you confirm that the current staff at the current site have been engaged in the proposed relocation?

Ms BOURNE - Yes, they have. They are formally represented in that group C. There are staff representatives who have put up their hand to be on that working group that Anthony chairs. They are also represented by the administrator and the registrar on some of the other governance groups.

I understand that the courts themselves continue to discuss the project outside of those formal channels and continue to feed advice and feedback on the current plans. As recently as yesterday we were talking about another suggested tweak to a registry layout that was discovered. So, they're very much involved.

Ms RATTRAY - Can you give me some idea of the work that's undertaken by members of the UWU in the current facility, just so I've got my head around who's who.

Mr REES - The UWU was engaged because of the correctional staff in that process.

Ms RATTRAY - Thank you. The other one is the Police Association who, obviously, will still be a key stakeholder but they won't be as key at the new facility as they were in the past because we have retired police officers undertaking the training to attend court. Is that correct?

Mr REES - Yes. The retired police officers have replaced police in docks in the Supreme Court, doing the dock security. That is where someone who has been called before the Supreme Court steps from the public gallery into the dock to have their matter heard. Retired police provide that security service. And, should they be remanded in custody, they are the first point of call to take them into custody and take them to the cells, to provide that service and oversight there.

Ms RATTRAY - Thank you. I appreciate that clarification for my understanding.

CHAIR - Page 23?

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Ms BUTLER - Can I ask a question around the design with the timber-look batten screening. Will that be Tasmanian timber utilised on that?

Mr MILLER - It actually won't be timber at all because of the class of building. It will be aluminium with a timber look. Going back to the codes, under the codes we are not allowed to put timber on the external face of the building because it helps fire spread from storey to storey. Under the class of construction, it has to be all non-combustible materials.

Ms BUTLER - There is no ACP on the building?

Mr MILLER - No.

CHAIR - It talks about lightweight steel framing on page 24. That notoriously expands and contracts. We're not letting ourselves in for a noisy building, are we?

Mr MILLER - I certainly hope not. The steel framing at the moment is really leant on due to the supply and demand availability of timber.

Ms RATTRAY - You've got a bit of competition out the window.

Mr MILLER - I understand that Tasmanian construction has generally used timber, but we are experiencing delays. We have found it difficult on projects recently to get roof trusses, timber framing. I was on a site a couple of weeks ago where they'd ordered a pack of timber in April and it turned up in maybe early November or late October.

Ms RATTRAY - Try getting a window, see how you go with that.

Mr MILLER - So, really, I suppose our whole entire design philosophy around this one is leaning on our experience, particularly over the last 12 months, of materials that are readily available and won't inhibit our construction program when the time comes.

CHAIR - A serious question in terms of using those sorts of materials, the light steel materials: quite often it's been my experience that you end up with a building that expands and contracts with heat. Are there mechanisms to quieten buildings like that these days? It's a conundrum; the last thing you want is noise all round.

Mr MILLER - Certainly, it is something we'll take into consideration with our mechanical engineers and probably our acoustic engineers. There's more than just our input in saying, 'We would like to have steel construction'. There will be the mechanical systems that work, and heat and cool that building, as we move along.

CHAIR - Talking about heating and cooling, and being the fact that it's in a residential area, what sort of sound deadening is there around cooling units and the like? It's going to be reverse-cycle, I presume, in certain ways. Or maybe not. You tell me. Just the acoustic nature of that and whether or not it's introducing a lot of noise into the environment?

Mr MILLER - There will be a dedicated plant area. The majority of that is in an undercroft area under the custody centre, so we'll have the ability to put some acoustic louvers on that, where the ventilation requirements are. Then there are some external chiller units, I think - I can come back to you on that if you want more clarification - that will sit externally

and we will need to screen. They're located at that same end of the building, where the custody centre is. We'll be required to put some acoustic screening around those as well to really contain any noise that's going to be external of the building as much as we possibly can.

Mr CURRAN - I think the other thing to remember as well is that this building is going to operate a lot more efficiently. We're putting money into double-glazed windows, into thermal insulation into the ceilings, so the mechanical unit won't need to work as hard. That's part of the strategy behind the mechanical heating and cooling.

Mr TUCKER - Following on from that, that will also add costs to the price of the building with what we're doing there, is that correct? The same with the steelwork, because steel has gone up 97 per cent.

CHAIR - Not cheap.

Mr TUCKER - No. Obviously, some of these costs, with the price of the building, have gone up because of these issues.

Mr CURRAN - Yes. There's a number of different steel components that are in the building. When you refer to lightweight steel, primarily it refers to what would traditionally be timber stud framing. So, lightweight steel is that framing. By adding various levels of plasterboard, or acoustic treatment, to those walls, it adds the acoustic value but also thermal value to those walls as well. The idea is to make the building operate as thermally efficiently as we can. Because we've got to acoustically treat, we've got to build those walls up as well. So, we're getting double value out of the walls in that the acoustically treated walls that have been built up to stop the noise also perform better thermally, which reduces the overall running costs of the mechanical system because it's not working as hard to heat or cool the rooms. Generally, the temperature stays a lot more constant.

Mr TUCKER - Would I be right in saying that you're using the attitude of 'worse cost, first cost', and then we're reducing the cost further down the track. We're running the building, is that what you're saying?

Mr CURRAN - We're looking at the overall life-cycle costing of this building. What we're looking to do is to try to reduce the overall operating cost of the building by putting in better thermal qualities and better thermal insulation now. As I said, we do need to do that because we're being asked to provide good acoustic levels in the courtrooms and in other areas, so that gives us a double benefit in being able to have the building better insulated as well.

Mr TUCKER - The other thing we probably should get on the record here is that when we went through the old building, the issues there with the heating and cooling, and air conditioning - could you expand a little bit on that, put on the record some of the issues there with that older building?

Mr CURRAN - We didn't do the report, so I might get Andrew -

Mr REES - Thanks, Scott. The original plan is one service unit, so it services the whole building and drives the air conditioning and heating through the total complex that you saw, with the three operational levels, the car park and the plant room. That would have needed replacing also in those places, providing a service that was manageable in each location, which

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would require some extensive work, as well as taking some funds away from the improvements for court users, other than environmental users.

CHAIR - Are you looking at solar panels in this development?

Mr REES - No, we have not considered that point yet.

CHAIR - Any reason why not?

Ms RATTRAY - Because they are not as cost-effective as they once were.

CHAIR - That might be the case.

Mr REES - No. As we got down into the detailed design and finding what electrical engineering is required, and what services will be taken from not only the audiovisual but the lighting - well then the consideration for how a solar system may work, but we are also mindful of the height requirements of the area.

CHAIR - What about charge points for cars, which are likely to be on us in the next few years? Do we have that factored into the car parking design?

Mr MILLER - Yes, there is currently -you would have noticed this morning on-site. There is one right out the front door at the moment.

CHAIR - I know there is one out there, but I am thinking of the magistrates' and judges' vehicles.

Mr MILLER - That one will be maintained. We have not committed to any more yet, but infrastructure will absolutely be something to think about, yes.

CHAIR - Okay. I realise we are -

Ms RATTRAY - We are going to be here at 9 o'clock tonight the way we are going, Chair.

CHAIR - We will move our way through.

Ms RATTRAY - You might be, but I won't.

CHAIR - Do I take that as a comment?

Ms RATTRAY - No, it is a statement.

CHAIR - Keep asking the questions; we'll get the answers. Okay, page 27. Is much being replaced with regard to the plumbing and fittings and fixtures? We dealt with hospitals not that long ago, and we know we've had problems with flooding on some of those areas, and with water quality and the like. Have you got that in mind, in terms of brass fittings having lead leaching out of them and those sorts of things?

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Mr MILLER - We will be. The existing toilet blocks on both levels will be retained as existing. We will re-feed them with new hot water as part of our system. It will return to a fully reticulated system, which will then enable us to feed the water to the rest of the building in all the new tee makings in a couple of additional toilets that we are adding throughout the building. The waste water from those will just connect into the existing locations and existing pipework and feed out of the building.

CHAIR - Okay, page 29. The project budget. Apart from the comments that have already been made, the construction and design contingency is 7 per cent, and normally 10 per cent. Is there any reason for that to be low?

Ms RATTRAY - We have had 4 per cent, and 6 per cent, now we have 7 per cent. We have 10 per cent.

CHAIR - It's all over the place.

Ms RATTRAY - It's all over the shop. I am interested in the project management and associated cost, \$1.32 million.

CHAIR - I just want to get an answer on the construction first. Is there a reason it is only 7 per cent? It is not uncertain?

Mr REES - The 7 per cent was chosen as an arbitrary figure. With the advice that we have so far, we think we can get through with any changes at that process. Some of the project management and associated costs has a levy built in for contingency, should that be required to go through - and noting that there is a high furniture and equipment charge, because we are completely fitting out a new process, and it is an unknown venture. So, we have been a little over the top on that, to make sure we were covering those areas.

Ms RATTRAY - So, what is included? We know what furniture is, but what is equipment? What are you thinking there?

Mr REES - We are thinking about all the requirements of the audio engineering, and all the visual equipment for the TVs, and all the audio-visual process.

Ms RATTRAY - What is ICT, then?

Mr REES - ICT is the infrastructure that is required for the potential Astria process and all the linkages of providing a network for the court uses. Astria provides a wireless access point system that is different from the current government system. And it has to have an independent system to run on, as well as providing access points in all of the meeting rooms and/or interview rooms and meeting rooms, to provide that future access point as we are going through, and providing a number of rack rooms to provide those services through.

Ms RATTRAY - That is estimated at \$1.2 million?

Mr REES - Arbitrary, yes, looking at the initial advice, yes. Again, we went a little bit over those processes, just to make sure we have some coverage, because that was unknown when we did this.

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Ms RATTRAY - Other than the Tasmanian Government Art Scheme, which we know is \$80 000, do we know if any of these costs are firm?

Mr REES - They have been quality assured, as we go through to the design in each stage. They actually will become firmer as we get into final detailed design, and then into construction set. At both of those points there is a quality assurance assessment, to make sure we are on track within the allocation that we have to provide those areas. The department will be active in moving the costs appropriately to make sure that we are within that area.

Ms RATTRAY - The project management and associated costs of \$1.32 million, will that be a percentage of the final cost, or is that just a figure that is going to be used? I am interested in how that is going to be settled on.

Mr REES - At the moment, that figure has the pre-engagement of the previous consultant in it.

Ms RATTRAY - The \$340 000.

Mr REES - And staff costs, as well as project management running costs for the unit, and the strategic infrastructure, as well as the agency corporate support fee that is required.

Ms RATTRAY - The consultancy cost of \$2.8 million. With all due respect, I know the consultants are seating here at the table. I am not questioning your work value, but that seems like an exceptionally high amount of money.

Mr CURRAN - Already today, you have heard a number of our subconsultants have been referenced, but I thought it might be worth running through the list, so you can see how many subconsultants make up that total value.

Apart from the architects, we have engineers, structural engineer, mechanical engineer, electrical engineer, fire engineer, hydraulics engineer, civil engineer, acoustics engineer, ESD consultant, traffic planning, acoustics, security, ICT access and wayfinding. So, that is the list of all the subconsultants who make up that total fund of the consultancy costs.

As you have heard, this is a complex building. It requires a lot of input from a lot of different consultants. Normally you probably would not have a wayfinding consultant, but because we may potentially have some users who may not be able to read, it is important that we have a wayfinding strategy for people who have that need.

We have access consultants as well, because the access requirement is very stringent now. We have a number of different entries around the building, to be able to separate out users. And the list goes on.

We have acoustic consultants, because we need to guarantee the acoustic quality within those rooms. We have ESD consultants, to minimise the life costing of the building. So, it is a complex building that requires a lot of consultants.

On this building we also have consultants working in BIM, which is a relatively new technology that we are using. Basically, with BIM, we build the model in 3D before the construction gets done, and with the consultants we also utilise 3D technology.

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For example, we start to build the building, you put in the structure, the columns, the slabs. The mechanical engineer will then start to put in the duct work.

CHAIR - So, it's layered?

Mr CURRAN - Yes, it's layered. That enables us to minimise on-site clashes between mechanical or electrical or fire. It helps to speed up the construction process. We are now using technology that enables that mechanical ducting to be taken out of the drawing and straight to the manufacturer. The manufacturer can now start to manufacture his duct work straight out of our drawing. We are introducing a high level of technology to this project to enable us to keep on program and to minimise some costs at the back end.

CHAIR - Thank you. Page 30. Nothing extra there? Okay. I am going to suggest that we take a 5-minute break. We will then hear the other submissions.

THE WITNESSES WITHDREW.

The Committee suspended from 3.51 p.m. to 3.58 p.m.

PUBLIC

Mr MALCOLM ELLIOTT OF MALCOLM ELLIOTT ARCHITECTS WAS CALLED AND EXAMINED (VIA WEBEX)

CHAIR - Our next witness is Malcolm Elliott of Malcolm Elliott Architects. Are you presenting as Malcolm Elliott yourself or as a group?

Mr ELLIOTT - You could actually say it's both. It's one of the same thing.

CHAIR - Is it Malcolm Elliott Architects?

Mr ELLIOTT - Yes, that's my practice.

CHAIR - That's fine. Now, just to explain to you that because you're out of the state you are not sworn in and as a result you don't have the protection of parliamentary privilege as far as I'm aware.

Mr ELLIOTT - Fine by me.

CHAIR - Just to let you know that and over to you to address your submission. You have 15 minutes Malcolm.

Mr ELLIOTT - I'll try to rattle through it. I'm hoping you've got my written submission there?

CHAIR - We do have your written submission. I am sure members have browsed it.

Mr ELLIOT - I will try to rattle through it fairly quickly.

Firstly, I would like to thank the committee for allowing me to make the submission. Through our family trust, we have a fairly substantial investment in Burnie, in the CBD.

This submission adopts the Cradle Coast Regional Land Use Framework as a basis for assessment of the proposed location at the new court complex. That framework contains the Cradle Coast Regional Land Strategy 2010-30, which is a statutory planning instrument under the Tasmanian Resource Management and Planning System. The purpose of the strategy is to provide consistent policy for local planning schemes. It describes a design future for the Cradle Coast region and explains how the framework is to deliver that future.

At page 5 of that document, the Tasmanian Planning Minister's vision states and I quote:

Reforming the State's land use planning system to better meet the challenges of the 21st century is an important part of ensuring Tasmania's ongoing prosperity.

The State Government has committed to an integrated set of reforms covering both strategic and planning and statutory planning schemes.

If I turn our attention to specific parts of that framework, that I am seeing as relevant to the location of the new Burnie Court Complex:

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Clause 3.5.2 - Land for Retail, Business and Professional Service - There is a strong public interest component in planning strategically for an aggregation of businesses and commercial land uses, to support the liveability and wellbeing of communities.

Designation of commercial centres allows ease of access to consumer goods and services and creates places which provide a centre for community activity.

Emphasis must be given to retaining attraction and functioning of existing commercial centres.

The capacity of a town centre to provide a vibrant and functional commercial space generates efficiencies in social and economic infrastructure.

Expansion of existing centres is preferred over new locations to concentrate commercial activity into geographically confined, yet highly accessible, locations.

That's an important point.

Attention is required to avoid decline in attraction and performance of primary centres.

Focusing high-order business and commercial activities into major centres, such as Burnie, will support ongoing viability.

It also provides incentive for effective public transport and provides a critical mass and synergies which attract other services.

We go to Clause 4.5 of that document - Settlement Pattern, Managing Development and Growth:

Current arrangements for settlement have created a number of issues for sustainable regional development, including ... fragmentation and dispersal of employment land, inefficient use of land, and of utility and community services ...

Development and growth management issues which the framework seeks to address are sustainable urban growth and development.

The majority of settlement growth in the region is expected to occur in the existing urban centres, including Burnie.

A number of, both internal and external, factors support a settlement pattern featuring containment of existing towns over expansion and creation of new centres.

The approach seeks to better use the land already designated and serviced, rather than an outward expansion of urban boundaries onto new lands.

The concept of containment is consistent with the ideals for liveable and sustainable centres.

The aim is to build on established centres in order to support local and regional communities, and economies. Concentrate investment into the improvement of infrastructure and services and to maintain and enhance identity.

While the growth and development of the settlements can increase economic activity, and improve the viability of services, poorly managed growth can decrease the livability of an area and cause detriment.

Interestingly enough in the document on page 66, and I suspect council would probably go down this path, municipalities are advised to prepare local statement structure plans to established arrangements for orderly and economic response to movement in social and economic activity, and that includes the provision of appropriately zoned land which is to be determined at municipal level through statutory plans. Plans must identify locations and sequence for growth and redevelopment in accordance with land capability and infrastructure capacity.

It's a little table there in that document and Burnie's noted there with the settlement strategy of containment.

4.6.1 - Settlement character - planning for liveability: pattern and function of settlement and the way in which towns are designed and managed, not only affects how they relate and look, but how they perform as liveable and sustainable places. Well-planned towns respect their identity and surrounds; are externally and internally well-connected; encourage investment, and that is very important; and provide convenient, safe, attractive, inclusive and secure places in which to live, work and visit.

4.6.2 - Carbon efficient centres: continued reliance on personal motor transport has implication for energy and carbon efficiency. The challenge for the framework is to balance for retention of capacity and value in the existing settlement network with incentive for more self-contained centres in which daily requirements for employment, education, health, retail and social activity can be satisfied with minimal travel requirements. In other words, contain the centre, keep employment services contained within the existing CBD.

4.6.3 - Development standards: actions associated with stable and contained development scenarios which can improve the liveability of a place if implemented as part of a coordinated approach or urban improvement.

CHAIR - Mr Elliot, much of what you are reading out we have before us. I'm not trying to tell you what to tell us, but if you want to focus on some of the important points in your submission that will save you time and it will save us time as well. We've certainly read this, and I am just trying to save you some effort there.

Mr ELLIOT - That's okay. It's just for others in the room that may not have the benefit of that.

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CHAIR - It's up to you; you have your time, you have another five minutes.

Mr ELLIOT - Okay, I will keep scanning through it and I will go through my conclusion. The conclusion relates to this particular document anyway.

There is an activity centre policy as well. The model of that activity centre is to retain the ability to provide a single local destination that will meet a majority of people's daily needs. The action is to protect the viability of centres and their function through the wider population or purpose should be formally considered in the strategic planning phase. Strategies should clearly identify locations for future commercial activity and core regional functions and avoid opportunity for fragmentation into inbuilt centre and more remote locations, which is basically what the Mooreville Road location is.

If I only have a few minutes left, I'll keep working my way down. I'll jump straight into my conclusion.

The proposed location of the new Burnie Court complex in Mooreville Road, away from the existing Burnie CBD, is clearly contrary to the policy requirements of the Cradle Coast Land Use Planning Framework in that it does not place an emphasis on consolidating the existing commercial centre or aggregation of like businesses and services; fragments the existing CBD activities centre; and fails to build on the established centre by moving key employment services away from the CBD when policy is to avoid decline of primary centres, does not co-locate related services, does not protect the viability of the existing CBD.

For example, how is the CBD expected to intensify with residential accommodation via the concept of shop-top housing if significant employment is taken away from the centre? It reduces the sustainability of the CBD by moving key employment services away from the CBD, increases greenhouse gas emissions through increased vehicle trips, both private and via public transport, requires significant upgrades to existing public transport system to create and connect the new transport node.

As a result of the above points, it does not support a move to carbon zero targets, does not contribute to reducing the effects of climate change. I will not go through the example I had of the legal costs of all the additional travel. I will skip through that. You have costs for additional public transport, you are taking away the employment from the centre. If you look at where new court complexes have been located on the mainland you will find they are all about consolidation of like services, bringing them all together so that they are not fragmented.

I will go to the conclusion. As noted the Cradle Coast Regional Land Use Planning Framework policy has been endorsed by the state's Planning minister. The state Government has committed to an integrated set of reforms covering both strategic planning and statutory planning schemes. It is rare for the residential community, business community and local council to be aligned and even rarer for all three to be aligned with an endorsed government planning policy. It is clear from the community and government policy that for the proper and orderly planning of Burnie, the new court complex should be given every opportunity to be located within Burnie's CBD.

That can be via an expressions of interest campaign. You might be surprised at what an expressions of interest campaign delivers. There was a fairly recent one, three years ago, for the new Medicare and Centrelink facility for the federal government. It was an expressions of

interest campaign. There were a number of submissions and none of those properties were for sale, none of those properties were for rent but there were a number of submissions.

To better utilise existing services rather than outward expansion and secure the future of Burnie's CBD, the Government should be honouring its commitment under its own planning framework policies.

That's basically where I'm coming from with all of that.

CHAIR - Thank you very for that. It is a very fulsome submission. It covers a lot of areas and we appreciate having that information brought before us. With respect to an overview, you are telling us, as I read it, that as an activity centre with the extra legal costs associated with decentralising it from the city centre, those sorts of things are not desirable or meet the broader planning aspects of the city.

Mr ELLIOTT - That's pretty much it. I mean we are even hearing today that the proposed building needs further accommodation within the building to accommodate all these services for people who are going to be coming out of the CBD. That is making the building larger and would have an impact on the budget as well. There are so many things from a cost point of view that need to be taken into consideration beyond just the building cost as a result of fragmenting a facility like this away from the CBD.

CHAIR - Can you inform us as to when you found out about this? Was there any consultation that you were involved in?

Mr ELLIOTT - I got a phone call from the council, a councillor.

Ms RATTRAY - Thanks very much, Malcolm. I did my best to do my homework on your submission. All I could find was a consultation draft of the Living On The Coast strategic plan. I obviously wasn't looking in the right place for the document, the 2010-2030. I think I've got a bit of the information. It says:

Planning must be careful not to unreasonably and unnecessarily constrain or render unlawful micro-enterprise.

It's saying, this is what we were in 2010, or thereabouts, but we don't really know what we're going to look at in 2021, 2022, 2023 and perhaps up to 2030. So is this document as relevant now in 2021 as it was in 2010?

Mr ELLIOTT - I would answer that by what I'm experiencing over here on the mainland. What I'm reading in these policies is very consistent with all the policies over here. There's generally a lag between policies that I'm seeing in Tasmania to the planning policies that we have over here. All the planning policies over here are consistently saying what this policy is pointing towards. In fact, they are actually going further now and all the things about sustainability, decarbonisation and all of those sorts of the things are government policies that are overriding all of this anyway.

These policies are just supporting those things that are starting to happen in the community areas. Activity areas are really important. It's all around Australia. It's not just isolated. All of the policies are pointing towards consolidation. It's important for viability. All

PUBLIC

the planning framework stuff that's been done over here now is constantly being reviewed by municipalities. They're all going down this same path. In fact, they're detailing it even further.

Ms RATTRAY - Can I clarify, you're a non-Tasmanian resident, but you're a business owner in the Burnie area?

Mr ELLIOTT - That's right, I did live in Tasmania for a period. I'm a business owner.

Ms RATTRAY - Thank you. So, you believe that this document, Living On The Coast, is probably more relevant today than what it was back in 2010 when it was put together?

Mr ELLIOTT - The planning principles behind it are the same. This is the consistent message that all these planning policies now are delivering. It's what I'm experiencing over here. I'm dealing with this every day of the week with planning policies.

Ms RATTRAY - Even though we have communities that are expanding at a considerable rate right around Tasmania? I don't know where you are, are you in Victoria?

Mr ELLIOTT - I'm in the city, in Melbourne. You have activity centres everywhere. In regional towns it's even more important to try to keep the commercial activities not fragmented because they support each other. In this instance, you have people like lawyers and we're hearing today there are other parties there. Effectively they're moving out of town for a period of time, so you have all these other businesses in the town that are going to be affected by that. It will be the cafes, it will extend to parts that we wouldn't have thought of. That's what it's all about.

Ms RATTRAY - Thank you very much, I appreciated the opportunity. It was an interesting document. I'm sure there's a review underway. It's almost out-of-date.

Ms BUTLER - I have a quick question, Mr Elliott. Thank you very much for putting all this together because you've really provided some extremely valid points.

To sum up from the second last paragraph, where you talk about the centre description, do you consider this project would provide this dysfunction for activities which are regionally important? You go into that - the pages aren't numbered, it's under clause 4.7, on the second page from that. Under 'Centre description', you have:

Rather, the concept is to ensure a continuum size and function in the absence of unnecessary dysfunction for activities which are regionally important.

Can you talk about that?

Mr ELLIOTT - I am just trying to find where it is - 4.7?

Ms BUTLER - Turn the page and then go down to 'Centre description' in that box.

Mr ELLIOTT - Yes, got you.

Ms BUTLER - Then it's the second last paragraph. It's in bold.

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Mr ELLIOTT - Yes, okay. It comes back to what I was saying before, it's the same thing - not to have dysfunction by the separation and fragmentation of services out of the CBD that are already in the CBD and you are taking them out of the CBD. It is dysfunction. It's contrary to what we would consider to be good planning outcomes. It's fragmenting everything.

Ms BUTLER - Thank you.

CHAIR - Thank you very much, Mr Elliott, we appreciate you presenting. You have waited a long time. Unfortunately, we are not a planning committee, we are a Public Works committee so we have to delve down into all sorts of thing. But it is important that we hear these sorts of presentations, so thank you very much for that.

THE WITNESS WITHDREW.

PUBLIC

Mr STEVEN KONS, MAYOR, BURNIE CITY COUNCIL AND **Mr KEN DORSEY**, COUNCILLOR, BURNIE CITY COUNCIL WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED

CHAIR - Mr Secretary, if you could swear in Mr Kons and Mr Dorsey, who are appearing for the council today, I believe, and you might give an explanation of what that means.

Mr KONS - Just a bit of indulgence - we are consolidating our two sitting periods if we are allowed, if we go over the 15 minutes.

CHAIR - That's fine, we can deal with that.

Mr DORSEY - You should add here at the bottom [of the declaration] 'to the best of my knowledge'. To the best of my knowledge, I am going to tell you the truth.

CHAIR - We expect the truth -

Mr DORSEY - Truth is a perceptual thing.

CHAIR - It is but it is as you say it.

Mr DORSEY - I am not going to say anything that is a lie but -

CHAIR - I think we appreciate what you are saying. Just to reiterate to you, before you give your evidence, that this hearing is a proceeding in parliament and it means that it receives the protection of parliamentary privilege. It is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of parliament. It applies to ensure that parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

As a public hearing, members of the public and journalists may be present and this means that your evidence may be reported. Do you understand?

Mr DORSEY - Yes, I do.

Mr KONS - Yes.

CHAIR - Thank you. We have your submission and you may speak to that. But you might also wish to explain who you are representing and the nature of that, for your own benefit as much as ours.

Mr KONS - Ken Dorsey and I are representing the council. The courthouse decision was debated at our previous council meeting. Council determined unanimously, I believe, to voice its opposition to what was happening with this process.

PUBLIC

CHAIR - Okay. Just to clarify, this is not dealing with it as a planning application, correct?

Mr KONS - Most definitely not. Elements may appear to be planning but they are not. We do want to sit on the planning committee when it comes up for discussion. But the planning matters will be dealt with at a later time, if they are dealt with by council.

CHAIR - As is always the case, that is for you to address, say, in the circumstance when it comes before your council. So, over to you.

Mr DORSEY - I'll start, actually. Malcom Elliott owns the building across from the courthouse, I mean from the police station, so I did call and ask them, I said: 'Are you interested in developing this?' To Malcom's credit, he hasn't promoted himself. Really, he went out of his way to say, 'This is about the CBD'.

There is a building, virtually that whole block is available. There is nothing stopping us for having this in town, except a group of planners that haven't had any community consultation, have not spoken to anyone about it, the legal fraternity. I didn't write down a bunch of stuff here, but that's where it started.

We did speak to, is it Elise Archer, the Attorney-General? She came up and told us it was a fait accompli.

Some of you have been on council and what will happen, I am just guessing, if you guys approve this, it will meet the provisions of the planning scheme. It will come to council, there will be numerous objections to it. I would suggest that our council would vote unanimously against it. It will go to the planning tribunal, it will get passed and we will be unhappy.

CHAIR - We cannot comment on that, sorry.

Mr DORSEY - No, I am just telling you that is my projection on what will happen. What's happened right now and, really, I want to almost thank you for it, because I'll start reading what I have written. This has actually drawn the community together in opposition to something. It's funny what brings a community together. Opposition to a bad idea brings communities together and this has happened in this.

It has united the community against the state government, against the idea that a courthouse belongs in residential zone, both schools and churches, has given the community common purpose to stop the courthouse. It's no longer that the council is inept; we can add the state government to that - tick!

There are petitions being circulated. The Labor Party has found purpose in the decision to attack the Government. This is a lose-lose scenario. The city loses, the Government loses, the businesses lose, the people lose, the cost increases, the site is lost for better purposes. I don't see where there's a victory here, actually.

We have been able to identify sites in the CBD that are available and we have spoken about Malcom's site.

PUBLIC

It is disappointing that no local member of the Liberal Party decided to stand up for Burnie. We elect people to represent us, to stand with us and to share our joy and pain, not to sit on the sidelines and hope that it will go away.

Discussions with solicitors indicates that none - I spoke to one yesterday, he said no solicitor in town is in favour of this. Your own planning lady, she said, 'What we could do is maybe move some of their offices up there'. That fragments the CBD, that takes all these people out of town, it takes their staff out of town, takes everything out of town.

The purpose of moving the university to town was to bring more people to town. The obverse is that you want to take the courthouse out of town to take more people out of town. It makes no sense. I don't know what they were thinking when they thought this, except that this would be easy.

The cost went from \$15 million to \$25 million to \$40 million. We just heard that it's going to take \$2.8 million in consultants. You know, really. I could probably let Mr Kons talk about that. I think he would be able to do that for considerably less.

The other thing is they talked about the size of the site. We recently approved a 70-home subdivision. Half of that site is going to go to a 70-home subdivision right below it. So, we are not isolating the court, we are putting it more into residential areas. It is illogical. And they are talking about gun discharge areas in a residential area.

The church spoke to our council the other night and said, 'We are not interested. Why would they build it next to a church? I said, 'I can't tell you.' We just said, 'It's a decision by the state government.'

The Burnie Primary School is directly across in Van Diemens Crescent. With the 70 new houses that are going in there - and there are 50 new houses below that - there's 120 houses. The school is not big enough to accommodate that now. It's the perfect educational precinct. It's an arty and an educational precinct. Why would you change that? Like I said, when the idea was \$15 million, maybe it had some merit.

I understand why they're not using the old court house or remodelling it because you would have to do everything else. It's easier to build another one. But there's costs; there's a cost to the legal fraternity that will be passed onto the clients. The legal fees that currently defy logic will jet us into the unknown realm of unbelievability, because what they'll be doing is charging you for the time to go up there and to come back. Even though it's only a five-minute drive, it's 30 minutes - every time someone does something it's a 30-minute charge. There's a cost with the CBD as legal offices in the CBD will relocate to the urban area, and costs to the police which will add time and inconvenience to their schedules.

There are costs to the CBD businesses which will lose patronage; costs of lost opportunity to centralised services - an opportunity to have a signature building in the CBD. Costs to the urban property owners who may see a decline in property values. Actually, it is a cost to the liveability of that area that currently allows children, the TAFE students and the college students to walk to school.

PUBLIC

Now they're talking about chain-linked fences, gun-discharge areas, increased security - and you want to put that in the neighbourhood where the school, the church, the TAFE and the college are. That makes no sense.

You have to question what they were thinking, except that they had a free piece of land and we'll just put it there, because that seems like a logical thing to do. They said they didn't look into buildings, they looked through www.realestate.com.au. There are no buildings available? Every building in town is available. On a \$40 million budget if you have to pay a million dollars for a site it's not much, as a percentage. Every building in town is available. All you have to do is ask. It's pretty simple, and we don't have Hobart prices here yet, so it's not that much.

There's the cost to the church, which is already discussing new security measures. There's cost to our reputation as the Burnie City Council, because we have people coming to us at every meeting asking us what we are doing to stop this. We can't do anything. We're slaves to whatever you guys want to do. We're standing up, and we're not being heard.

There's cost and time to the attendees, which will require bus transfers to attend. Cost to the environment, the transport. There's cost to the police for extra time. There is a police station straight across the street from Mr Elliott's building. We can just go straight across the street. What a novel idea putting a courthouse next to a police station. Why don't we put it up in an educational precinct where we have young children, we have schools, we have colleges and we have the TAFE. That makes a lot more sense. It's a novel idea to put a courthouse next to a police station.

My neighbour is a cop; he said it was the dumbest idea he ever heard. That means they've got to get in their transport, they've got to take them up there, you have to put holding cells up there. You've already got holding cells next door. It's pretty much my reasoning behind it.

This hasn't been well received by the community. There are alternatives. The placement of the court, in the centre of a residential area defies any sort of logical consideration for the residents of that area. The legal fraternity is opposed. Local businesses oppose. The general populous is opposed. The council is unified in opposition. The school in close proximity is opposed. The church is opposed.

I don't know who is in favour of this - the judge and your planning people over there - are the only people I've heard say that they want this. It's up to you guys. I'm telling you what the scenario will be, and it's almost handwritten. If you guys go ahead with this, it will come to council. It will meet the provisions of the planning scheme. Talking about the building codes - it will meet all that. There will be numerous objections. We'll hear the objections and I think, for once, this council will stand up and vote 100 per cent against it. Then it will go to the tribunal and we'll get it anyway.

This is really falling on you guys to support this city, to support what we want in this city. Not some Hobart planners who came up and did Google Earth and said, 'This is a good spot.' We have locations. And, to Malcom's credit, he did not once mention, I've got a site. We have other people in this room who have sites. Really, it's not hard to find a site in the CBD. It keeps the city together. It stops fragmenting the area and it keeps business going in the town.

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CHAIR - Thank you.

Mr KONS - Thank you, Mr Chair, and committee members. As I believe the committee is charged with prudent expenditure of public monies, unfortunately in this process it has been shown that I think the committee has been misled, that there aren't other sites available in the CBD. The statement that agents and what was on the market were checked out, does not stack up. I've purchased recently and before that properties on the CBD off-market, and that is where you generally get your bargains and you do find properties.

A proper process would have been to go out for expressions of interest, as Mr Elliott suggested Centrelink did a couple of years ago, to find alternative sites. I know that there are about five or six people who expressed an interest in providing those sites. It is a furphy that there aren't available sites. I would humbly suggest to the committee that a better process would be for this project to be rejected and a process to be restarted on the basis of expressions of interest in the CBD to find if there are alternative sites available.

To come in here and tell us that nothing was available and we're going to spend \$40 million of public funds on a building which is already established in a residential area is just potentially a waste of money and not trying to get the best outcomes for the expenditure of public funds.

I believe there are alternative sites, but that has to be tested in the market. That is where this committee would be doing a great justice to the public of Tasmania, to see that \$40 million is spent of processes undergone properly, rather than a department saying that we reckon nothing is available because it wasn't on, as Ken said, www.realestate.com.au.

The Government's belief that this project is irreversible is shameful, simply because of the fact that it has to come to you first rather than them presuming that this committee is a rubber stamp that will just have the look and say are there the right number of toilet cubicles and is the park big enough behind it and cars can get in and out. I think it is irresponsible and a retrograde step to have a government department assuming that you guys would just tick and flick a project of this magnitude.

CHAIR - With respect, that doesn't always happen and it hasn't in the past. There are some, not these particular people, but the Public Works Committee have refused.

Mr KONS - Right, I will take that back.

Extensive consultation - it was careful crafting of words there to tell us that there was extensive consultation after a decision on the site was made. Good governance means that extensive consultation occurs before a project is committed and a site chosen. This department has chosen to pick a site and say that we have done extensive consultation after we have told the people, that is where it is happening. Unfortunately, that did not happen.

I hear the arguments about asbestos removal and stuff like that. I can totally understand that that site is inappropriate, but the furphy of asbestos removal and how hard is to work around is a joke. There are professional people that do all those sorts of things.

The process had already started. The Crown has started to talk to Justice about transferring the property to them. They are presuming that this process is a foregone conclusion

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and the process will start there. It would have been more prudent to come along to this committee and say, we are looking at this project, we've crossed all our Ts and dotted all our Is and then for them to start doing those transfers. But, there is a belief belatedly behind the background saying that this is going to happen, we have already started the process. Justice will end up with this building, a court will happen there. That is jumping the gun a little bit.

The fact that we are going to have half the MCG going up there every year, is another really big factor in a residential area. There is a leeway around the planning scheme because it is a community purpose zone up there, so that's just taking advantage of a loophole that will allow it. That community purpose zone was for schools, hospitals, all those sorts of things. It never envisaged that a community purpose zone would be a new court house or a prison, for example, that may be slotted in somewhere, simply because the zoning suits the outcome.

We were also told about the \$10 500 a square metre. We know offices are \$4000 per square metre, and -

CHAIR - Sorry, with respect, that was my calculation on the overall cost. It wasn't my calculation on the \$29 million for the construction. You have to understand that it is going to be a lot less than that.

Mr KONS - I would hope so, but between \$4000 and \$7000 per square metre is probably more reasonable than what has been proposed up there.

The site is not fit for purpose. The department is trying to retrofit a dysfunctional building that was built as an educational establishment. It does not make sense to actually try to change the nature of the building, simply because of the fact that it is there.

If it was a purposeful site, it could have been transferred very quickly and very easily. That does not appear to be the case. This is trying to fill a property that may become vacant and trying to walk away from the CBD.

There are other sites, and I will give a couple of sites. I have been contacted recently by people from the fire brigade, which is less than 100 metres up the road from that site, and in the past the Government has talked about relocating the fire brigade to another site. What a great outcome that would be. Move one somewhere else which wants to go, and move the court to there.

We are actually creating a \$40 million spend on a site that does not work, and cannot work, and will not work. It is upsetting the community. It is creating a lot of dysfunction and fragmenting of a commercial district in our CBD. I don't think there are any other courts in the state that are outside the CBD, or within those close quarters.

Additional cost will be incurred by people utilising those services. The talk about moving solicitors and other functions up there would probably not stack up, because you can't have commercial functions operating in a community-purpose zone.

I would suggest to this department that they start doing things properly, and actually start a proper expression of interest process, find if there are available sites in our CBD, and then move forward - rather than getting a phone call, probably from Treasury, saying hey, we have

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a vacant building, do you want to move into that one, because we're worried that in a few years' time the windows will be broken, and the community will be upset about that?

This is a totally unprofessional way of approaching public expenditure of money. Thank you.

Ms BUTLER - Mr Kons, as a former Attorney-General, what is the process you would have undertaken to build this courthouse?

Mr KONS - Not as an Attorney-General, but as a prudent businessperson, I would go out and undertake expressions of interest to find if there are sites. All government departments do it. As I said to you recently, Centrelink went along that process, put out expressions of interest, asked people if they could develop a site to their requirements, and they recently determined what they will do, which is refurbish the current site they are on - but at least they had the courtesy of saying to the community, because we are interested in spending public money, we will undertake that course of finding if there is a fit.

As a businessman, if I went to real estate agents to ask what is for sale, I would be doing myself a disservice. Everything I buy generally is off market. I find sites, or I advertise, and I purchase sites that way. I know what's available on the market. Blind Freddy can find out what is on the market. You don't even have to go to a real estate agent.

When you want to find something for a particular purpose, you actually go out there and do that process of expressions of interest. I can say I have recently purchased a 2500 square metre property in our CBD, off market. That was available. The Government could have purchased that if they went off market. A 2500 square metre site in the CBD probably would have fitted what they want, because I think the current site they are on is substantially less than that.

Due process means go expressions of interest, find if there aren't any suitable sites, and then move to the next step and say we have an available site.

Ms RATTRAY - Thank you very much. I appreciate you taking the time to present to the committee today.

I want to take you back a step. You talked about the relocation of businesses such as lawyers, barristers and solicitors that might want to move to the proposed site. Would that require a rezoning, to accommodate that?

Mr KONS - I think that community purposes means something like a court. In my view, it doesn't mean getting Legal Aid or Crown Law, which pay commercial rents in our CBD, to relocate up there. They are effectively businesses. I don't think Crown Law is located in any of the other courts. Neither is Legal Aid. They are suitably located in our CBD.

To start commercialising an operation by moving them up there would certainly have some sort of considerations in planning, I believe, because it is community purpose. Community purpose is for places that are generally not fee-for-service, or have been established in the past under an old planning scheme.

Ms RATTRAY - Your view would be that it would need a rezoning to -

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Mr KONS - I am not a planner, but I do believe that it is part of the planning.

Ms RATTRAY - You put your planning hat on when you sit around the table.

Mr KONS - Yes. I was minister for planning, and in the 15 years everyone else who came after me botched that process.

Ms BUTLER - And building.

Mr KONS - It's on the record, yes.

Ms RATTRAY - I am still waiting for some reform. Thank you.

CHAIR - Bearing in mind what Mr Elliott presented to us with respect to the land use strategy, wouldn't that be something the council would deal with in its planning application?

Mr KONS - Since that strategy, we have moved to a new planning scheme, so everything will be dealt with under the new planning scheme.

CHAIR - Yes, but that is still a statutory document.

Mr KONS - It is still a statutory document, but I would venture to say, on advice from our manager for planning, he will have a look at the planning scheme and see if it fits within those areas. As I said, it is probably the fact that it is a community purpose zone that makes it very opportune for the Government to say, 'Lucky day for us. We will slot a court up there.' Unfortunately.

Ms BUTLER - You may know this information - is there any evidence that the Burnie CBD might be at capacity? Has there been a population boom, or a situation where the CBD is at capacity? Is there a need at all for that court to potentially be relocated three kilometres out of the CBD? Is there some future growth that maybe your council is looking at, indicating there may need to be a movement out of the CBD? Is there any data or reasoning behind why it has gone out there?

Mr KONS - I suggest the simple reason is because it is zoned community purpose, and it will be a vacant building. The CBD has certainly changed a fair bit with the advent of online trading. People are moving out. A number of businesses - for example, Target - are on a short-term lease. Reimagining this CBD potentially has the ability to undertake sites. There is Malcolm's site, which is just up here, there is the Stubbs site, and there are other sites around our CBD. A proper expression of interest process would pull those out. Potentially having it in the CBD and not having to refabricate or change any other of those buildings would certainly pull those costs back beyond less than \$40 million.

Ms BUTLER - It is a lot of people to take out of the CBD. The only reasoning I can see to quantify that decision is that there may be too many businesses in the CBD - but is there any data that suggests that?

Mr KONS - I do not think the department, by making that decision, had a look at any of that sort of data, but today we do know -

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CHAIR - They might comment on that in a minute, because we'll get them back.

Mr KONS - Okay. We do know that 50 000 people, plus or minus, do go there, and our population in this community is 19 000. There are about 250 businesses in our CBD, and 50 000 people are utilising a particular government service in our CBD, which would certainly have a big impact.

It is not the economics. It is the fact that due process has not been followed with an expression of interest process. This is whiteboard stuff of federal parliament. Let's build car parks so we can get votes. This is the other way.

Mr DORSEY - It is working.

CHAIR - Thank you for presenting. Believe it or not, we have got in under half an hour.

Mr DORSEY - The other comment I want to make, is that you talked about parking. There is plenty of parking in town. We have a multistorey car park that is at 40 per cent occupancy at its peak.

Ms RATTRAY - Is that the Marine Terrace one?

Mr DORSEY - Yes.

Ms RATTRAY - It is a bit of a hike. I parked there this morning.

Mr DORSEY - It is at least two blocks. In Burnie that is 20 miles.

CHAIR - Thank you

THE WITNESSES WITHDREW.

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Mr **IAN JONES**, PRESIDENT, BUSINESS NORTHWEST WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you, Mr Jones, and as the previous witnesses have just left the chair, it is something I should have reminded you of that whatever you say outside of this hearing is not protected by parliamentary privilege. You understand that?

Mr JONES - Yes

CHAIR - Mr Jones, this hearing is a proceeding of parliament. This means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom, without the fear of being sued or questioned in any court or any place out of parliament.

It applies to ensure that parliament receives the very best information when conducting its enquiries. It is important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

This is a public hearing. Members of the public and journalists may be present. This means your evidence may be reported. Do you understand?

Mr JONES - I understand.

CHAIR - Thank you very much. We have your submission and we appreciate that. Over to you to present that.

Mr JONES - Some of my points have already been covered by previous speakers, but I will blast on regardless.

Business Northwest represents the businesses in Burnie and Wynyard. At our last general meeting I was asked on behalf of our members to submit our objections to the proposed court relocation. We believe, firstly, it is out of alignment with the general area of Mooreville Road, which is an education and residential precinct. We also understand the additional costs that lawyers will need to charge their clients for the transportation up and back from the CBD. There will also be loss of business by CBD shops, coffee shops and restaurants.

I am a volunteer at the local RSL Club, which is next door to the current premises. Quite often on a Friday night court people will drop in and have a couple of beers. I do not think if they are working up at Mooreville Road they would drive down to the CBD to have a few beers at the RSL club.

There will be extra public transport requirements for disadvantaged people. If people are coming from outside of Burnie, they would need to take a bus to Burnie. With the current court location, they would walk one block and be at the court. With the relocation, they would need to catch a second bus up to the Mooreville Road facility. There is extra cost and extra time.

TAFE and Hellyer College students will also need to share public transport with people coming to or leaving the court, and may be subject to abuse and harassment. As I said, I work

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at the local RSL club quite often, and I have been subject to abuse when I have walked out of the RSL club and crossed at the lights.

We think there are much better ways to use the UTAS building. Burnie Primary is evidently bursting at the seams and could relocate there. Maybe Cooee Primary could merge into that, just like what has occurred at Romaine. As Ken said, 70 properties have just been approved to be built next door. There are other housing developments in the area, meaning more young children and a greater need for primary education.

We do not believe that sufficient consideration was given to the location. There was insufficient consultation. If I go back to 2017, the department provided very appropriate consultation for the decision to renovate the existing court building. They engaged with the council, they engaged with members of the legal fraternity and the business community when they were evaluating what they should do with that building. They made the decision to renovate the current facility in 2018 and an architect was appointed in 2019.

In June 2020, the minister advised that the development was to be fast tracked. Hooray. Just 10 weeks later the project was abandoned and the move to Mooreville Road was announced. There was no local consultation whatsoever.

Now we hear the project has gone from \$15 million to \$40 million and it has hardly started. It is out of control. It is a product of bureaucratic expediency and ministerial incompetence. This is the same mob that gave you the northern prison.

It is time to pull back and re-evaluate the options. This wasn't done before the decision. As Steve, Malcom and Ken said, there are valid options in the CBD. If I could see out the window, I could see about three sites that would satisfy the requirements in terms of space and access.

The consultants who advised there were not options in the CBD were obviously commissioned by the department and gave the department the report it wanted to get. You cannot just go to Google Earth and realestate.com.au and say there is nothing available. As Steve said, everything around here is done off-market. If you have Hobart-based bureaucrats making those decisions without any local input or any local consultation, this is what you get.

All we want to do is to have the department sit down and formally talk with us. Let's work on an expression of interest to get a proper place in the CBD. We don't want to be dictated to by Hobart. We want to have some say in this.

CHAIR - Thank you, for those points of view. In your submission you said that was operated by a multi-national corporation. Who were you talking about?

Mr JONES - Sorry about that, I was a bit vague. I was talking about the cafeteria or the coffee shop in most UTAS sites being operated by Compass Group, a UK-based company. If you had that, once again it is more money going out of the community even if you have a coffee shop or cafeteria up there.

CHAIR - It seemed to be a little disjointed. You've explained it.

Mr JONES - It was late that night.

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CHAIR - You talked about primary school stress. I am assuming you mean -

Mr JONES - Building limitations.

CHAIR - Building limitations there. I think you are suggesting, correct me if I am wrong, that the university site provides an opportunity to expand there.

Mr JONES - Elsewhere in Burnie, several primary schools were consolidated into one new building. I would look at moving the Burnie Primary School and maybe the Cooee Primary School from out at Cooee into one centre at the UTAS building. It is another option for that site.

Ms RATTRAY - Somebody will pass that on to the minister, not me.

Mr JONES - I think I've mentioned it to him.

CHAIR - Do we have any other questions?

Ms RATTRAY - I have a question. I did some homework before I came for this reference, as you would expect. I asked about the visiting legal practitioners and I was told a lot of them come from Devonport and elsewhere. They don't necessarily work out of Burnie. Is that correct?

Mr JONES - I believe people come from Devonport and one from Wynyard.

Ms RATTRAY - Not every legal representative might need to wander up to Mooreville Road. I just wanted to confirm that was the case and I wasn't given the wrong information.

Regarding the 70 houses that have been approved for a housing development. Is that under Communities Tasmania, or is that another development?

Mr JONES - I would have to refer to the mayor for that.

Ms RATTRAY - So, it is Communities Tasmania. We just heard about the subdividing of some of the land today and I wanted to check that that was the case.

Ms BUTLER - Thank you for coming in today and for this submission. I want to ask you, with your Business Northwest hat on, the same question I asked the previous witnesses: is there any evidence that there may be too many businesses in the CBD and that there might, potentially, be a need for it to be put three kilometres outside? Is there any evidence for that move at all that you may be aware of through your Business Northwest?

Mr JONES - No. There is plenty of commercial real estate, both for retail and service organisations, and office organisations in the CBD. We are certainly nowhere near capacity.

Ms BUTLER - With that Business Northwest hat on, do you think 50 000 people as a minimum - and that's not counting their families, apparently, from the information I have heard today, or the support people - do you think that that would have a dent on the CBD of Burnie?

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Mr JONES - Certainly. If you take that many people out of the CBD, that's going to have a big impact. Also, it's staff that work at the court building itself. I don't know whether that number includes their traffic as well but there's quite a number of people that work there. They come out and have lunch, or a few beers on a Friday night after work at the RSL club.

The other thing I was thinking of, when you are relocating all those services, if I want to get a Justice of the Peace to witness something, now I'd be having to go up to Mooreville Road to do that rather than just walk around the corner from my office, so that's extra traffic. It's an impact on me.

Ms BUTLER - Thank you.

Mr TUCKER - Following on from that, you would have a number of JPs here in the Burnie area. You wouldn't have to go to a court to get a JP's signature.

Mr JONES - No, that's correct. But that's the closest one. When I have something I need witnessed at the RSL club, I can walk about 15 metres and there it is. It's right next door, or I can walk from my office, which is probably 150 metres. It is very convenient for me there, rather than having to go somewhere else.

CHAIR - Okay. I think that's it. We appreciate your submission. Before you go, I won't commit the same sin twice: I have to remind you that any comments that you make outside of this hearing, that is even if you are repeating what you said here, won't be subject to parliamentary privilege. As long as you are aware of that. Do you understand that?

Mr JONES - I do.

THE WITNESS WITHDREW

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Mr GERALD HEATHCOTE WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

CHAIR - Thank you very much, Mr Heathcote.

A committee hearing is a proceeding in parliament. It means it receives the protection of parliamentary privilege. It is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued, or questioned in any court, or place out of parliament. It applies to ensure the parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not afforded to you if statements that may be defamatory are repeated, or referred to, by you outside the confines of the parliamentary proceedings.

We are in a public hearing. Members of the public and journalists may be present and this means your evidence may be reported. Do you understand?

Mr HEATHCOTE - I do.

CHAIR - Thank you very much. We have your submission. No, we don't. It's a verbal submission. I was looking at one other submission that I had here, which we have not had a representative today. Over to you.

Mr HEATHCOTE - Many thanks for allowing me to speak. To answer a question, I think Tania Rattray will ask me, I am not a resident of Tasmania. I have previously been in Burnie. I live in Brisbane. I was born and bred in Tasmania, in Burnie.

Ms RATTRAY - Welcome back.

Mr HEATHCOTE - I left here 20-25 years ago, but I come back and keep in touch. All I really need to say is on the site location. Listening to everything that has been said, as an engineer, it is all very plausible, predictable, and it is great as far as the facilities are concerned. I have no problem with that at all.

My impression is that it's the siting, that is the critical issue. Looking at that, I can say to the Government that I could deliver them 7000 square metres next to the current Police Station within three months. I have not been consulted. I have made efforts, but at this stage, nothing has come back to me.. So, I decided to make this trip to put to the standing committee the situation.

Now, obviously I have a vested interest, however, I presume, the Justice Department, needs to understand that is definitely there. Obviously expressions of interests is the way to go, and without doubt, I would put in a submission. We are talking about 7000 square metres here, next to the current Police Station, which would take away the need for secure lockup, and all sorts of things. That is all I have to say.

Ms RATTRAY - You came all the way from Queensland to say that?

Mr HEATHCOTE - Correct.

Ms RATTRAY - Thank you

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Mr HEATHCOTE - I felt I had to, because you pick up the community feedback from talking to people, and a little bit of discussion. I've kept away from it, because of the vested interest. I am happy to continue on the path that we are, but I felt that the committee ought to know that there is that availability.

CHAIR - Do you have any comment on the impact on the CBD as a result of this moving out?

Mr HEATHCOTE - The site we are talking about is the entrance to Burnie. It is the perfect place for a signature building. In fact, the comment that Malcom, and I have spoken to Malcom Elliott over time, because he and I came together 18 months ago, and the comment that I made was, it cries out for a signature building. I think that's what law courts are all about. And it is a perfect location, in that sense. Then people would say to me, yes, but it would be too expensive. But, I have not given price. That has not even been discussed. So what do you want for it? Well, that is a detail, and it may not happen; but I would have liked to have a discussion about the possibilities, because it opens up all sorts of possibilities, as far as I am concerned. For example, there is no necessity to buy the land; you lease the land. There is no necessity for the government to build the building; I would build the building and lease it to the Government. All these sorts of options come into play. But we have seen nothing, and this is effectively reinforced by the evidence given by different people here.

Ms RATTRAY - Just to clarify, the 7000 square metres that is available, is that a combination of Mr Elliott and yourself with some little shop in the middle that you would only have to purchase?

Mr HEATHCOTE - No, sorry, Malcom has roughly 1400 square metres, then I have control of the balance under option contract, because I am proposing to do a development there, which we have been working on for the last 18 months.

Ms RATTRAY - I wanted to clarify that, because it was suggested when I was doing a bit of a walk around this morning there is a small store between two suitable sites that would only need somebody to buy that building. That is okay, I will check elsewhere. That is fine.

CHAIR - Thank you, unless there are any other questions. Before you go, don't make me commit two sins on the one day. As we advised at the beginning of the evidence, what you've said to us here today is protected by parliamentary privilege but once you leave the table you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you said. Do you understand that?

Mr HEATHCOTE - I do.

CHAIR - Thank you.

THE WITNESS WITHDREW.

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Mr DES HODGETTS WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

CHAIR - Thank you, Mr Hodgetts, please take your seat. Again, as repetitive as this may sound, a committee hearing is a proceeding in parliament. It means it receives the protection of parliamentary privilege. It is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom, without the fear of being sued or questioned in any court or place out of parliament. It applies to ensure that parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings. It's a public hearing. Members of the public and journalists may be present and that means your evidence may be reported. Do you understand?

Mr HODGETTS - Yes, Mr Chairman, I understand.

CHAIR - Thank you. So, over to you for your submission.

Mr HODGETTS - I'm sort of representing Andrew Boyd, who sat here previously. Andrew is a community representative who lives in the area directly adjacent to where the courthouse is proposed to go. He's been garnering a range of public support, particularly around the residents. He probably was the voice of the residents. I live just up on the hill so I'm not affected in any way by the location or the relocation. I want to be really clear about that.

I'm a former alderman from Burnie so I've got a reasonable understanding of what it takes to generate activity within this setting. One of the things that was brought up, obviously, by Malcolm was around the planning aspects of this proposal. It's really interesting that we had a process. We talked about a couple of procurement processes that were undertaken previously by the department.

The department undertook a procurement process for a design that essentially brought back some optioneering and the option said that there wasn't something suitable in the CBD and the proposal was to go to the Mooreville Road site. At that point was the opportunity for community consultation. They had an options paper that clearly identified the reasons they wanted to be going somewhere else. That is the time they should have been undertaking the community consultation. They had spent \$340 000 at that point. They had a report that would have given them all the feedback that they liked, would have brought all the options around and the two gentlemen that I've never met before, I understand they own some properties. I add further that the old Metro Cinema that is right behind the police station is around 1300 square metres. There are three properties directly adjacent to that that are empty which would provide immediately, on the back of the police station, this sort of area that is required for this facility.

The department has chosen to take another procurement process, commit \$2.8 million through that procurement process and put at risk, essentially, that if they don't get through the planning process that they're going to burn the \$2.8 million.

As a public works committee, I think one of the considerations you need to be considering is the prudent expenditure of that \$2.8 million without actually going through a proper process of consultation.

PUBLIC

There will be very significant community inputs to the planning process and it's really interesting reading the planning considerations that are being put forward. As Steve and Ken had put, this clearly won't be decided by the local council. Doesn't matter what the planner says, the local council will say, 'we're going to reject it'. Okay, it goes to the Planning Appeals Tribunal and we know the processes it goes through with that. But if the planning considerations that are being put forward by Malcolm are actually going to be considered by the Planning Appeals Tribunal, it really does question the fact whether or not the Planning Appeals Tribunal would uphold that.

If there is a further \$2.8 million of public expenditure made on the design of this facility, and then we go through a process that they believe is going to be a fait accompli, and the Planning Appeal Tribunal does not uphold it, perhaps now is the time to be going through a process of consultation and looking at the feasibility of whether there are some other buildings available.

Ms Butler, if I may, if you would not mind walking from here to the end of the street, you will answer your question about whether there is enough land available in the CBD. You could probably walk around the block here and you will answer your question twice.

A significant planning consideration is about bringing people into the CBD. A loss of 50 000 people out of the CBD is not just a loss of those 50 000 people. It is the loss of the jobs for all the people in cafes and other things that retailers rely on bringing those people into the city.

That is going to have a really significant impact on the city. Fragmentation of any city is really difficult, but I will not close with that.

You talk about the bus transport. Anything in the local area that brings you down to the CBD, yes, it's a 20-minute wait, and will take you another 20 minutes to get up to wherever. For someone coming from just outside of Burnie, that service comes every hour. You then have to wait to get the bus. When you come back you have to wait 20 minutes, and it is 40 minutes to come back. You might miss that one, it is another hour. Someone who might be going for a very simple visit to the courthouse could well spend the day commuting on Metro on four services. People getting to and from is a really serious consideration here.

If this sets a precedent around justice wanting to go into educational precincts, I am really going to be interested in the submissions we receive when the proposal from justice to move the Supreme Court of Hobart to Sandy Bay, to the university site, once the university site there is relocated. It will be an interesting discussion for you, Mr Valentine, I am sure.

CHAIR - It may well be. It is outside my electorate, but that is okay.

Mr HODGETTS - It is an interesting precedent that is being set by the department.

CHAIR - I hear the point you make.

Mr HODGETTS - Again, as an interested community representative, there are two of us here today, and I am sure if the process goes further, there will be many, many more than two. The guys behind me have put it very succinctly.

PUBLIC

There are not many things that galvanise the community that everyone agrees on, but I have not spoken to anyone who does not agree on this one. The guys in the corner are the only ones who believe that is the right spot for it.

CHAIR - Don't verbal the officers. They are doing a job. Questions?

Mr HODGETTS - I'm sorry for speaking out of turn.

CHAIR - Thank you. I think you have made your point. Before you go, you understand that once you leave the table, parliamentary privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you said to us. You do understand that?

Mr HODGETTS - I do, sir.

CHAIR - Thank you.

THE WITNESS WITHDREW.

Committee suspended from 5.19 p.m. to 5.25 p.m.

PUBLIC

Ms KRISTY BOURNE, DEPUTY SECRETARY, JUSTICE AND REFORM, DEPARTMENT OF JUSTICE; Mr ANTHONY REES, SENIOR PROJECT MANAGER, STRATEGIC INFRASTRUCTURE PROJECTS, DEPARTMENT OF JUSTICE; Mr SCOTT CURRAN, DIRECTOR, ARTAS ARCHITECTS; Mr MARK MILLER, SENIOR ASSOCIATE, ARTAS ARCHITECTS WERE CALLED BACK AND WERE EXAMINED.

CHAIR - You have heard a lot from the submissions today. Is there anything specific that you would like to add in response to some of the things that you have heard? I'll give you that opportunity before I pass to other members for any questions that they may have arising out of the submissions.

Ms BOURNE - Thank you, Chair. The department is aware, particularly through the media, of the potential availability of sites based on individual knowledge of those sites. In 2019 when we undertook that comprehensive process to consider what was available, we did not identify suitable sites based on the needs we had then and still have now. Obviously that was in 2019 so I just wanted to confirm and make the point that since then the project has had to proceed.

All of our existing courts are on Crown land. I note that our existing courts are also in established precincts where there is a great deal of foot traffic and a mix of residential purpose as well but clearly not to the extent that the proposed site at Mooreville Road is.

We don't seek to pre-empt the planning process but we are very much aware of the process that this project needs to follow and continue to engage in good faith with those processes. We look forward to progressing to the next stage. That process involved discussions with building owners as to what may be available and may suit our needs. I reiterate the consultative processes we have established, including the stakeholder reference group which meets every three months. We hope that stakeholders who are represented on those stakeholder reference groups who have made submissions here today continue to engage openly with those processes so that certain concerns that weren't on the department's radar before today are fed through those processes.

Council is represented on that process. Ideally we'd like that engagement to continue because it hasn't raised those issues raised today in their submission. We want to continue to engage in good faith as we proceed through this process.

CHAIR - Are you saying the matters the council has raised in the past differ from what you heard today?

Ms BOURNE - Some new ones. Concerns about moving from the CBD are not in any way new. We have a stakeholder reference group and that is by no means the only opportunity for consultation but it is a forum through which these issues can be raised and we can try to address them in good faith to the extent that we are able. Some of the matters raised today were not on the department's radar. That is the usefulness of this process for our benefit too, to continue to work through those issues. I am content to open it up for questions.

CHAIR - You have heard from people who are developers who say that there is space to be able to develop. What is your response to that? Is an expressions of interest process something that the department might consider?

PUBLIC

Ms BOURNE - It would require a significant change to the process and is not necessarily a decision I would suspect for the department at this time, given the work that's been undertaken. I note the comments raised around that, noting the limitations and the requirements that we need to fit the court infrastructure that we are seeking, particularly the opportunity for expansion given the increasing demand for justice services.

CHAIR - Do you have any comment to make about Mr Elliott's comments on the general planning principles contained in the Cradle Coast Regional Land Use Planning Framework? He says it is not a place to put that sort of a facility.

Ms BOURNE - Not an informed comment at this point, noting that we're not planners and would seek advice in that regard. We have done that to a certain extent through our consultants. We appreciate the comments that have been made in relation to the intent to maintain services in the CBD.

CHAIR - Okay.

Ms BUTLER - I would like to ask the same question that I asked most of the witnesses today. As part of the decision-making process to move from the CBD to the residential location, is there any evidence to suggest that may be beneficial in so far as taking that amount of people out of the CBD? Was there any strategy behind that?

Ms BOURNE - We don't have data which indicates that there is no space for a court in the CBD, just that at the point we needed to undertake the analysis there wasn't any suitable space available.

Across the board, we are seeing an increasing demand for access to justice services, not just courts. As we touched upon and have discussed a bit today, that opportunity to create a justice precinct is one that Mooreville Road provides us. It wasn't a determining factor in identifying Mooreville Road as a suitable site but it gives us the opportunity to future-proof the services that we need for the north west coast.

Ms RATTRAY - It was indicated that having the commercial businesses in a community purpose zone doesn't fit and so some of the things you were suggesting this morning might be relocated might not be able to be relocated. Did you address your mind to that through the hearing process?

Ms BOURNE - Yes. That is something we would need to take into consideration if we were to get through this phase and into the planning phase. Outputs not internal to the department but part of government, such as the DPP, Legal Aid and other parts of Crown law, if it was to be a departmental site, they're departmental staff, so they would be working from that site, hypothetically. Some of the issues raised appear to be very valid ones that we would take into account, noting that the expansion of any use of that site is in the very early stages of our consideration. Our focus at the moment is this particular proposal for replicating the services that are in the CBD.

CHAIR - How many staff are on site?

PUBLIC

Ms BOURNE - I thought that would be asked when I was sitting here. I don't have an accurate number. I don't know if you do, Anthony?

Mr REES - There are 22 permanent staff through that process as in the justice visiting and the associates. Then there are the support services of the private security which adds another eight, depending on the day and the court services.

CHAIR - So around 30. As far as the growth of the city is concerned? That was probably a part of the question that was asked by Ms Butler. You are not aware of whether the growth of the city is likely to be significant over the period of time, and that is one of the reasons you have moved out? Has that been part of the decision?

Ms BOURNE - No. Not to my understanding.

Ms RATTRAY - It was suggested that there would be an increase in cost to access legal services if those services moved out of the CBD. Is that something that you might have addressed your mind to?

Ms BOURNE - Most certainly. We have regular discussions with the Law Society on behalf of practitioners, and also Legal Aid, who undertake their own representation services in court, but also fund private practitioners through grants-of-aid. That is an issue that we are working through at the moment, in consultation with those stakeholders. We are also trying to address it through ensuring that there is adequate infrastructure at the proposed site for practitioners to work from, should they not have the ability to pop back to their city-based office.

Noting, as has been raised by others, there are a number of practitioners that travel to the court from outside of Burnie. We are very aware of those issues in terms of travel, and collecting files, and taking them to and from the court.

In terms of data or evidence for potential moving of infrastructure out of the city, we do have general understanding around projected population growth, but nothing any more specific to Justice's needs.

CHAIR - Would that be general population growth in the 2 per cent to 3 per cent per annum, or in the 10 per cent to 15 per cent? Got any ball-park figures there?

Mr REES - There is a 2019 report from Treasury that shows that the greater Waratah-Wynyard and Circular Head population areas will have minimal to no growth to 2042.

CHAIR - It will be interesting to see how that goes.

Mr TUCKER - It will be interesting to see those growth figures, since that figure was taken, because there has been interest in other areas. The difference, and it is interesting around the strategic plan use strategies. The growth areas haven't been as they are predicted. There are some big differences with variances, especially in the last few years, around those growth areas. It would be interesting to see updated figures.

CHAIR - It would be; and quite clearly, there has been high interest in Tasmania.

PUBLIC

Ms RATTRAY - It's a safe place.

CHAIR - That's right. To date. Let's hope it stays that way.

There is a series of questions that we need to ask you, and I need a clear answer on each of them.

Do the proposed works meet an identified need or needs or solve a recognised problem?

Ms BOURNE - Yes.

CHAIR - Are the proposed works the best solution to meet identified needs or solve a recognised problem within the allocated budget?

Ms BOURNE - Yes.

CHAIR - Are the proposed works fit for purpose?

Ms BOURNE - Yes.

CHAIR - Do the proposed works provide value for money?

Ms BOURNE - Yes.

CHAIR - Are the proposed works a good use of public funds?

Ms BOURNE - Yes, they are.

CHAIR - Thank you. As I have been reminding everybody and it must seem ad nauseam, as I go through this again, but it is something we have to do.

As I advised you at the commencement of your evidence, what you have said to us here today is protected by parliamentary privilege. Once you leave the table you need to be aware the privilege does not attach to comments you make to anyone, including the media, even if you are just repeating what you said to us.

Do you understand that?

WITNESSES - Yes.

CHAIR - Thank you, and thank you to the members of the public for coming and presenting.

The hearing is completed. Thank you, Mr Elliott, as well.

THE WITNESSES WITHDREW.