

DRAFT SECOND READING SPEECH
THE HON ROGER JAENSCH MP
BRICKMAKERS POINT LANDSLIP BILL 2020

check Hansard for delivery

Madam Speaker, I move that the Bill now be read a second time.

The Brickmakers Point Landslip Bill 2020 provides a transparent legislative framework for delivering targeted financial assistance to owners of the five properties impacted by the 2016 Brickmakers Point landslide at Deviot in Northern Tasmania.

The landslide was reactivated following the heavy rains that year, which caused extensive flooding across much of the State.

Many Members would be aware that the Brickmakers Point landslide has taken a substantial toll on these property owners – both financially and emotionally.

One property has been rendered uninhabitable, and the others have all been subject to varying degrees of structural damage.

After consulting closely with the owners and the West Tamar Council, the Government has decided offer an assistance package designed to support these individuals to recover from this destructive act of nature.

It is important that I state very clearly, at the outset, that this is not a compensation scheme. Financial assistance is being offered on compassionate grounds, and not as a result of any legal liability on the Government's or the Council's part for the damage caused by the 2016 landslide event.

There is precedent for the Government to step in and legislate to support landslide affected communities with financial assistance in these kinds of circumstances. Indeed, key provisions of the Bill are modelled closely on previous legislation for providing assistance to Tasmanians directly impacted by landslides, including the Rosetta legislation from 1992.

The core element of the Bill is the establishment a process whereby affected property owners can apply to have the Government make an offer to purchase their properties.

Consistent with previous landslide assistance packages, offers will be made at 75 per cent of the relevant property's pre-landslip value, with that value to be calculated as though the property had not been impacted by landslide in 2016.

Valuations will be done independently by the Valuer-General, and offers made by myself, as the responsible Minister.

This is a voluntary, 'opt-in' scheme. There will be no compulsory acquisition of properties. Owners will not be compelled to apply for assistance, and where they do apply for assistance they can then refuse the Government's offer if they so choose.

However, the Bill does provide that any applications for assistance must be lodged within two years from the enactment of legislation. This gives affected property owners adequate time to consider their options, while making clear that this is a time-limited scheme.

Madam Speaker, the Government is acutely aware that these property owners have already endured significant stress and uncertainty over the past three and a half years. That is why the process we are proposing through this Bill is simple, has clear timeframes and provides certainty.

The five impacted properties are specifically defined in the Bill because the effects of the landslide on these properties are already well established. This means that, unlike some previous legislative schemes, there will be no requirement for property owners to go through a complex application and assessment process to prove their eligibility. They will simply need to write to the Government indicating they would like us to make them an offer to purchase.

Where property owners apply, an offer must be made within 90 days of that application, and the Government is bound by that offer. Property owners then have up to 90 days to accept or decline, so that they have adequate time to seek and consider their own financial and legal advice on the terms of the offer, and to make other living arrangements if they choose to accept the offer.

The Bill provides that, where an owner accepts an offer for the Crown to purchase their property, the Crown and the Council (and their representatives) are indemnified against future any action for damages. The intent is to prevent a person who accepts financial assistance

under the legislation from then subsequently suing the Crown and/or the Council for damages in relation to the landslide.

The Bill also indemnifies the Crown and the Council in relation to actions taken in good faith to manage or mitigate landslide on, or in the vicinity of, an affected property.

Madam Speaker, the legislative framework will be underpinned by a formal agreement between the Tasmanian Government and the West Tamar Council. I would like to take this opportunity to thank the Council for its support in assisting property owners and for its commitment to manage the landslide site going forward.

I can advise the House that the parties have agreed, in principle, to the following terms:

The purchase price of acquired affected properties will be shared equally between the Government and the Council;

Following acquisition, ownership of acquired properties will transfer to the Council;

The Government will fund demolition and remediation costs for all acquired properties; and

Following demolition and remediation, the Council will have responsibility for ongoing land management in and around the landslide affected area.

The Government and the Council are currently in discussions about the finer details of the agreement so that a binding Deed between the parties can be finalised and executed as the same time as the proclamation of the legislation.

Madam Speaker, the intent and operation of this Bill is straightforward. It seeks the Parliament's endorsement of a targeted financial assistance scheme to support a small number of property owners whose lives have been severely impacted by landslide.

I ask Members to support this Bill so that those property owners who wish to move on and rebuild their lives elsewhere can be given the opportunity to do so.

I commend the Bill to the House.