

Legislative Council

Hansard

Thursday 12 September 2024

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

[excerpt...]

FORESTRY (MISCELLANEOUS AMENDMENTS) BILL 2024 (No. 20)

Second Reading

[12.12 p.m.]

Ms WEBB (Nelson) - Mr President, I am going to rise briefly to say a couple of things. I was not necessarily going to speak on the bill, although I may have questions during the Committee stage. I want to speak in support of some of the things just mentioned by the member for Hobart. I do not necessarily have the same perspective. However, when we are forefronting the idea around legislation that we are considering - when we are forefronting the idea that we are cutting red tape, we have to think that through very carefully; and its impact. Although some people take cutting red tape to be an automatic good, it should not be taken to be an automatic good.

Cutting red tape generally means cutting regulation or processes that have been put in place. The reason we put good governance processes or regulation in place is to balance public interest and private interest in the way we make decisions as a community and the way we govern ourselves as a community. Typically, we do that thoughtfully to ensure that we do not constrain private interest more than is necessary. However, we also prioritise public interest and the public good to ensure that it is not jeopardised. That is a careful balancing act.

We should not automatically assume that cutting regulation or good governance processes is an automatic public good because, typically, those things have been put in place to ensure we are considering public good. With this bill, it has been put very much at the forefront that it is about cutting red tape. As we consider this bill, it is incumbent on us to think about how we are changing the way we balance private interests, public interest and public good.

I agree that when the issue also centres on the environment, there are precautions we need to have in mind. In fact, there is a thing called the precautionary principle that we often have in mind when we are thinking about the environment. Sometimes there are circumstances in which damage to the environment is irreparable. Once we reach that point, we cannot have regret and wish we had changed our mind and had been more precautionary at an earlier stage. It is too late. That is why we need to have those thoughts and conversations and give consideration to those matters at the earliest stage - and at every stage we propose change, when we are making decisions about how we manage our environment, how we balance private interest with public good, and what is the right level of regulation on decision-making and processes in relation to the environment.

There is nothing pejorative about red tape being in place. Red tape often serves the public interest. I have turned my mind to this in relation to some of the matters in this bill.

Removing an element of public consultation from a decision-making process should only be done with very careful consideration. This is part of being a community and a democracy; the community comes to agreement about how we govern ourselves and deal with our environment, our resources and how we agree to deal with private land use.

Private land use is not just a free-for-all. Just because you own the land does not mean you can do anything you want with it. There are all sorts of ways we can strain that as a community. If I have a piece of land, I cannot suddenly decide to make it a tip, for instance, and have everybody dump rubbish on it as much as they like - there would be impacts on the immediate neighbours and perhaps the broader community. There will be impacts of hygiene and all sorts of things, and so we have rules around that. We have lots of rules on the way we use our private land; it is not just ours to decide for ourselves.

Often when we put those rules in place, we put elements in place in a decision-making process that allows the community more broadly and - sometimes with particular emphasis, those who will be directly impacted - an opportunity to (a), be aware that changes or decisions are going to be made; and (b), have the opportunity to have input or a say into that process and then ultimately, also often the right to have to appeal against decisions or determinations made. Those are fundamental concepts to a functional democracy and community. When we seek to remove those sorts of elements, we are reducing the democratic aspects of how we as a community make decisions.

Personally, I believe we should do that with great deal of care and diligence if we are going to be considering reducing those democratic elements of our community's decision-making processes.

In relation to this bill, it is important for there to be a really clear case made as to why reducing those elements is necessary. There needs to be a really clear case demonstrated as to the fact doing so will not be detrimental to the fundamental principles of democracy and to community having the right in terms of public interest to have a say. I am not sure those cases have been well made out by the government in relation to this bill. I do not know that a clear problem was presented that needed to be fixed by reducing those opportunities and allowing certain things that you used to have some constraint on in terms of process to have that removed. It certainly gives me pause in relation to this bill.

I was interested to see the amendments circulated by the Greens that the member for Hobart has mentioned and that will presumably be proposed should we get to Committee stage.

Mrs Hiscutt - I have not received –

Ms WEBB - I beg your pardon? It has been circulated. I have it in my files.

Ms Forrest - It was a week or so ago.

Ms WEBB - Quite a while back. Yes, plenty of time ago. Thank you for, in fact, timely circulation of those amendments. It was useful to have time to think about them.

It is not unreasonable to consider possible amendments where we might seek to think about going down the same path that the government is proposing in this legislation, which is more streamlined processes allowing some more leeway for there to be a lesser degree of community interaction around decision-making, but to constrain the scope of what can be included. That idea of will it be 10 per cent of the area of a private forest that is allowed to be expanded without public consultation, for example, or should it be less? Things like that. They are all important considerations.

I encourage members to be thinking about, by all means, 'reduction of red tape' as a nice convenient term, but whenever we hear or read that phrase remember what that is saying is how we balance and weigh private interest with public interest. That is our job to be thinking about that. It is never inappropriate to be fully cognisant of public interest when we are making our decisions here because that is our job as representatives of our communities.

That was the extent of the thoughts I wanted to share on the bill - not so much to the detailed content of the bill, but the principles it is based on and that I wanted to explicitly refer to in my thinking on the bill and considerations when we get to Committee stage, and when we may at that stage consider amendments.

