

Legislative Council

Hansard

Wednesday 27 November 2024

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

[excerpt...]

LAND USE PLANNING AND APPROVALS (STONY RISE DEVELOPMENT APPROVAL) BILL 2024 (No. 52)

Second Reading

[7.35 p.m.]

Ms WEBB (Nelson) – Mr President, I have a relatively brief contribution to make, to be frank. I feel like many other members have covered the various parts of this issue and this bill. I want to put my position on the record before we have votes in relation to it.

I appreciate the briefings we were able to receive this morning from the various stakeholders and people who had an interest in this. I would particularly like to acknowledge the position that the member for Mersey is in, in relation to this bill. I appreciate the comprehensive contribution he made on the bill to contextualise and explain where he was landing with his vote on the bill. He is perfectly entitled to represent his community in the way he sees is best. It is a tricky one. It is a thorny issue, particularly for the member who is in the community where the development that is the focus of this bill relates to.

Put very simply, without having to go over the arguments in very much detail, for me, this bill is about process. I appreciate the fairly comprehensive contribution that the member for Murchison made in relation to this aspect of it. I believe it is about process. I believe it is about the fact that we have a planning system, and it is what we have deemed to be the appropriate and accountable process to deal with planning matters. This place is not a planning authority, and I do not believe we should be in a position to be that.

The matter has been dealt with by the planning authorities that are relevant to it - first the council, then the TPC, and there were further avenues to pursue this matter further through our planning system. I see this bill as a circumvention of our planning system. While that planning system may not be perfect, and as members have pointed out - such as the member for Launceston just now - there are no doubt improvements that need to be made to our planning system and there are things that we are behind on updating and ensuring are functional. It is not a reason to start circumventing it willy nilly, because as soon as we do that, we undermine confidence in it and we undermine the important democratic principles that it embodies.

Let us talk in this place about improving that planning system, through updating legislation in a way that is comprehensive and well consulted and expert-informed, but let us not start circumventing it in an ad hoc fashion for particular projects. That is where we really run into trouble when it comes to fundamental principles of our democracy.

When I say that, I am talking about the impact of undue influence, potentially. Unfortunately, I believe this has really brought things to mind in that space and highlighted to us the risks, or at least the perception of risks, in that space.

Other members have spoken about the fact that we have seen a property developer talking to us in ways that were quite interesting, actually, via a 'public megaphone' of full-page ads in the paper. That is really throwing your weight around. That is what that is. That communication could well have come to us as correspondence, as we receive from many stakeholders on many issues. In fact, it was sent to us as correspondence just the day before. That was sufficient. Putting it in the paper as a full-page ad is throwing your weight around publicly.

There is something more than just straightforward communication in that act. I believe that is concerning. I would not like to think that people, particularly people with the means to do that, who may have a vested interest in an outcome of influencing what goes on here, start to undertake that sort of activity on a regular basis in this state.

Ms O'Connor - It has been happening forever. The 2018 State Election.

Ms WEBB - Absolutely. It has been happening forever, and every time it does happen it is inappropriate, as far as I am concerned. It is a concerning aspect in a democracy.

There are members of our community who cannot afford to put a full-page ad in the paper to make their presence felt or bring their influence to bear. They communicate with us by email or by correspondence, or by having a chat to us in a meeting that they have arranged respectfully through our office. That is certainly something I would encourage people to do, rather than take out full-page ads. Certainly not full-page ads that also go to great lengths to denigrate our Tasmanian Planning Commission. It is very unbecoming to see that occurring, too - very unbecoming.

The fact of the matter, too, is that when it comes to throwing your weight around, bringing influence to bear, it does raise other questions around things like political donations. I know the member for Murchison touched on this point as well. I mentioned it here too because it does come to mind for me.

We currently still do not have an appropriately transparent and accountable disclosure regime for political donations, although today we take another step forward towards having that with the passage of a bill in the other place to improve on what we already have, which we will deal with later. We do not have one now, so we cannot see what donations were made ahead of this year's March state election. We cannot see which candidates or parties received significant donations from, for example, the property developer involved in this instance.

There was a question asked during our briefings - and I do not want us to be verballing or providing inaccurate information about the answer that was given there, but my understanding of that answer was that there was an indication that political donations were given by that property developer, the proponent in this case. We did not get detail about to whom or exactly what quantum they were.

Ms Forrest - He did say it. To Liberal party members, he said.

Ms WEBB - I believe I heard them confirm that they provide political donations not to parties, but to some candidates.

Ms Forrest - Yes, that is right.

Ms WEBB - Individuals. We did not identify who and we did not identify how much. Let us be careful not to be making assumptions about it or putting in inaccurate information. It is a pretty telling thing just in itself. There are political donations brought to bear. It certainly highlights to me why, for example, other jurisdictions such as New South Wales ban political

donations from particular industries, and property development is one of those industries that is banned. That is because there is such a tangible vested interest in policy decisions made by a government of the day for that industry. Putting through bespoke legislation for a particular project is one of those absolute illustrative examples of where that could be inappropriate.

Political donations are made by that proponent. We do not know to who. We do not know whether they were made to candidates from parties who are currently supporting this legislation that has been brought to this place for this particular project. We just do not know.

That should give us all pause in a democracy where people with the deepest pockets should not have the most influence on policy outcomes. That is not how it is supposed to work. That is not a clean democracy.

For me it is a fairly straightforward question here. I absolutely accept that the Devonport community appear to be very much in support of this particular project. The council and the Chamber of Commerce in the area appear to be in support of it. That is absolutely fine. That is not what we are here to decide in this place as far as I am concerned. We are here to give consideration to appropriate decisions about good governance, strong democracies, and about our planning system, which is there and is constructed for a reason. It is not perfect. It could and should be improved. However, if we start working around it for people who have made special requests or have special relationships then that is incredibly problematic in setting a precedent. It is incredibly problematic.

I was not here for other instances in which something similar may have been attempted in this place. I gather from the way these have been described by other members who were here that this is not entirely analogous to some of those previous matters pointed to. I actually think this is setting a precedent for this sort of project or development and this sort of bespoke legislation for it. That is disturbing. It is a message that goes out loud and clear, that it will be who you know, it may be who you have donated to, that allows you to get special consideration to go around the planning scheme.

Even if that is not what happened here with this with this circumstance, the fact that we are putting this through in a way that circumvents our current system, provides an opportunity for there to be the perception that that is how it can happen from here on in. That is not good enough.

There is not a way I can support this bill. That is not to at all question the support that is there in the local community of Devonport for the development to go ahead. It is not to speak against members who will be voting for the bill, including the member for Mersey. I understand his position. For me it is a process matter. It is a matter of principles. Once we once we gut them, once we chop them off at the knees, that is it. The door is open. I will not be supporting the bill.

[end of excerpt...]