

The Mercury

Talking Point: Tasmanians must be proud of our planning laws

Ideally the state would first identify locations for major projects. Instead, we get whatever is served up by developers, says Roland Browne

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Gunns Limited's former proposed pulp mill site near Bell Bay in the Tamar Valley.

TASMANIA'S Planning Minister Roger Jaensch says the proposed major projects legislation does not give the Minister any role in project assessment and lauds the assessment being conducted by a panel of independent experts convened by the Tasmanian Planning Commission (Talking Point, April 30).

Readers would be forgiven for believing the relevant minister and government have no involvement in such a process once a project is declared to be a "major project". If only that was true.

I have worked as a lawyer in cases examining the assessment of major projects for more than 20 years and watched others very closely.

Tasmania currently has a number of major project assessment processes.

There is the Projects of Regional Significance Process, which is unused. For forestry, there is the process under the Regional Forest Agreement. And then the fish farming industry has its own assessment process through Marine Farming Review Panels.

These processes have never been far away from political and other interference.

One significant example was the Lennon Government's bullying of former Justice Christopher Wright — who was the chair of the RPDC Panel assessing the Gunns pulp mill — into an unsuitable time frame for the assessment.

That assessment process then went completely off the rails when the Liberal Party joined the Labor Party to turn the House of Assembly into the assessment process for the pulp mill, leading to the production of the Pulp Mill Permit. For some reason, the Liberal and Labor parties believed individual elected members of the House of Assembly were best qualified to assess one of the state's biggest projects. It's difficult to picture a more extreme case of political interference. There were other allegations of political interference with that RPDC panel too, through the government's "Pulp Mill Task Force", with the initial chair and one member resigning.



BILL: Artists impression of the proposed cable car development on Mt Wellington/kunanyi by MWCC.

In recent years, under the current government, the Marine Farming Review Panel has seen the resignation of two members from that panel.

The cause was politicisation of the panel process whereby it only provides advice agreeable to the salmon industry, and thus acts at the behest of the government of the day.

And the Regional Forest Agreement process was put under the microscope in the Federal Court in 2005. In evidence given to the Federal Court, it was apparent that critical data and scientific opinion were being manipulated to provide an outcome that justified logging the rapidly diminishing habitat of the endangered swift parrot to achieve a political agenda.

The enduring problem in this state is a lack of overall planning and vision for development generally.

Ideally, the state would identify the need for and suitable locations for major projects. Instead, we get whatever is served up by developers (often closely connected to government) and, invariably, these projects seek to use and exploit public resources for private gain. And they are often uneconomic and socially unacceptable. The government should not be surprised it encounters significant community opposition to major projects legislation, especially where the government is insisting on a consultation period that aligns perfectly with the COVID-19 lockdown, and where there is no identified and rational need for the legislation. The Minister's assertion he has no plans to declare the proposed cable car to be a major project falls well short of a guarantee the government will not do so.

And the Major Projects Bill specifically refers to Wellington Park, and allows the Park's Management Plan to be overridden in the process. It is obvious the Bill is being set up to facilitate the cable car; what other major project could be contemplated by the Bill in Wellington Park if not the cable car?

Many major project assessments have in common strong community opposition.

That opposition is not universal; public infrastructure such as light rail or train lines or port developments would likely be favourably received.

However, major projects legislation where there is a potential for — and a proven track record of — political interference and attempted manipulation of outcome ignites public concern and breeds a distrust in our political representatives.

Allowing for the cable car in the Bill also increases distrust. This concern and distrust is all magnified by secrecy surrounding election donations.

Major projects legislation ought be part of a broader picture of reform and a statement of vision for the future development of Tasmania. Legislation facilitating major projects should as a minimum require project profits to remain in the state and for proven employment prospects for the completed project. Critically, the legislation must require overall enhancement of the built and cultural environments, as well as protection and regeneration of the natural environment.

The legislation must mandate the project is funded without state subsidy and is assessed without any political interference. This could lead to an assessment process we could all be proud of.

Roland Browne is a Hobart lawyer.