

INTEGRITY AND OTHER LEGISLATION AMENDMENT BILL 2023

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20th July 2023

Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane Qld 4000

Sent via email: egc@parliament.qld.gov.au

Dear Committee Secretary,

Re: Submission to Committee Inquiry into *Integrity and Other Legislation Amendment Bill 2023*

The Planning Institute of Australia (PIA) is the national body representing the planning profession, and planning more broadly, championing the role of planning in shaping Australia's future. PIA facilitates this through strong leadership, advocacy and contemporary planning education, representing over 5,000 members.

PIA was consulted by the Integrity Reform Taskforce in April 2023 and asked to provide feedback on a confidential draft of the proposed *Integrity and Other Legislation Amendment Bill 2023*. Through a detailed submission, PIA raised concerns with the consultation bill and sought changes to be made to resolve these concerns. Unfortunately, these concerns have not been resolved and PIA raises these same concerns in relation to this consultation bill and seeks the following be addressed.

Summary Statement

- PIA supports the intent of the Integrity Act 2009, including to ensure government decisions are not prejudiced by unlawful lobbying activities
- PIA believes the *Integrity Act 2009* should exclude both the activities of planners and the activities of not-for-profit associations (like PIA).
- Our review of the consultation bill has found considerable ambiguity exists and there is a lack of clarity about activities planners undertake in their day-to-day role. Subsequently we request amendments to the consultation bill and/or explanatory material.

Our position, previously put forward during both the Coaldrake and Yearbury Reviews, is that the *Integrity Act 2009* should exclude both the activities of planners and the activities of not-for-profit associations (like PIA). Further detail about this position and how it applies to this consultation bill is expressed herein.

Detail of concerns

Our review of the consultation bill has found considerable ambiguity exists and there is a lack of clarity about activities planners undertake in their day-to-day role.

Within *Section 42(a)(v)* of the consultation bill, lobbying activity includes communications to influence a decision relating to *the making of a decision about planning or the giving of a development approval under the Planning Act 2016*.

It is considered that activities undertaken by planners are intended to be excluded under *Section 43 (i) and (k)* of the consultation bill (and other provisions to a lesser extent). However, planning is not explicitly specified in *Section 43 (k)*, despite other professions such as accounting, architectural, engineering and legal services being specified. This is despite planning being one of the only professions listed within *Section 42 What is lobbying activity*.

Meetings with government representatives about planning matters are an intrinsic part of a planner's day-to-day role. Planners are regularly called upon and required to provide professional and technical advice to government representatives. Planners are best placed to provide this professional advice, due to our specialised training, expertise in urban and regional planning, and project management responsibilities in planning and development projects. Planners who are members of PIA are also bound by a professional code of conduct. The timing at which a planners' advice is required to be provided to different government representatives can vary from application to application, project to project.

Considerable ambiguity and concern exists with the inclusion of "...in the ordinary course of..." within *Section 43 (i) and (k)* of the consultation bill. Whilst the Planning Act 2016 (and other Acts which planning applications are made under such as the *Economic Development Act 2012*) contain a statutory process for which applications are assessed and decided, these statutory processes do not include guidance on timing for government meetings. Based on the strict interpretation of the *Planning Act 2016* and related Council assessment pathways, communications with government representatives 'in the ordinary work of planning' would be accepted to be a pre-lodgement meeting with Council officials talking about the proposed project and seeking technical feedback. However, ad hoc communications and meetings with Council officers, State government officers, local Councillor, State MP or Minister are often a required part of the planning process, however may not be a standard 'step' in the statutory process or considered to be in the ordinary course of each project. These are required on a case-by-case basis, the circumstances for which pertain to the specific nature of the application or project, and are required to ensure timely and accurate technical and professional planning advice is provided to inform the assessment process.

Recommended amendments to draft bill

To resolve these concerns, it is recommended that:

1. Town Planners be specifically referenced in the example within *section 43 (k)* to remove any doubt that this exclusion applies to planning. This explicit reference within the exclusion is requested on the basis that planning is specifically referenced in *section 42 (a) (v)* as a lobbying activity. It is noted that this was previously suggested by a previous Integrity Commissioner in relation to the similar clause in the existing legislation.

2. Greater clarity be provided for *'in the ordinary course of'* within *Section 43 (i) and (k)*. As such:
 - a. It is recommended a new clause is introduced which wholly exempts planners providing professional or technical services to a person in relation to a planning matter under the *Planning Act 2016* and *Economic Development Act 2012*.
 - b. Alternatively, it is recommended greater guidance be provided which assures planners that they can continue to make representations at the required times for each project throughout an application process, ensuring timely and accurate planning technical advice is made available for decision makers.

In closing, PIA supports the intent of the *Integrity Act 2009*, including to ensure government decisions are not prejudiced by unlawful lobbying activities. PIA represents members both within government and outside of government, and seeks to ensure this Act allows all our members to continue to do our jobs in the most efficient and effective manner, ultimately to ensure planning delivers the best outcomes for the future of our cities, regions and communities.

We would welcome the opportunity to meet with you or your staff to discuss this issue further. Should you wish to discuss the above, contact Nicole Bennetts, Queensland State Manager on [REDACTED].

Yours sincerely,

[REDACTED]

Shannon Batch RPIA
President, Queensland Division