Speech by

Miss FIONA SIMPSON

MEMBER FOR MAROOCHYDORE

Hansard 17 September 2002

INTEGRATED PLANNING AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (3.30 p.m.): I rise to speak against the Integrated Planning Amendment Bill. For Gold Coast members, I think the issue of whether a project should take place and under what conditions has focused on one particular project. The thing they are forgetting is that the legislation will apply to all local government areas, other projects in the future and unknown future events. It is the principle of the legislation that has me concerned. Government members used to rail against ministerial intervention and complain about so-called ministerial rezonings, yet the legislation before the House is strengthening the hand of the Local Government Minister and this government to intervene and do away with judicial review positions.

Since this bill was tabled another amendment has been presented to the parliament—and will be passed if government members support it—that will give some powers back to local government for judicial review, such as if they have not already approved or have knocked back a project. However, the big loophole is that they may in fact have approved something. If the minister calls it in, the minister has the ability to change the conditions under which a project was approved. That is an extremely significant loophole. In effect, we still have a curtailing of the powers of local government, let alone those of all the other people who may have the ability to take judicial review to exercise their legal rights for accountability, and to make sure that the legislation as outlined is implemented according to a state interest.

As I have said, I know some members are worried about a particular project. But where does it leave the principle of law if we open the door so wide to allow the minister the power to take away people's rights? This goes a lot further than even Russ Hinze used to go in his time. Some people used to criticise ministerial rezonings and others used to say that they were relatively rare. Now this minister claims to be accountable and yet is removing the power of judicial review where the government has exercised a significant call-in power.

We have heard that the Local Government Association has expressed grave concerns about this legislation, and the subsequent amendment to the legislation does not resolve all of those concerns. As Noel Playford, the president of the Local Government Association, said in a letter dated 10 September that has already been referred to by other honourable members, the bill is not limited to that particular matter—the Gold Coast issue—but applies generally to all local governments and all development applications. He also states in his letter that in short the subject bill was introduced into the Legislative Assembly on 3 September 2002 without prior consultation of any kind with the LGAQ. Local government is opposed to the content of the bill and also seriously concerned that the minister elected to act outside the requirements of the Queensland Constitution Act 2001 in not consulting with the LGAQ. Also, serious questions are raised in the Scrutiny of Legislation Committee's report, which have been referred to already, in respect of the rights of development applicants not being sufficiently taken into account in the provisions of this bill.

When a minister gets into a pickle by making a decision and, despite having the opportunity to defend that decision in a court of law, the minister gets around that process by changing the law rather than fronting up to the court, that is an extremely poor process. One member mentioned that he was pleased that this legislation had come forward so quickly. I think that member will rue the day that they

put together this legislation in this 'slaphazard' and shoddy way given that it is giving a significant power not only to this minister to cover her mistakes and overcome a poor decision-making process in the way she has intervened; it will also influence the actions of future ministers. The awareness that the process of their being subject to judicial review for the quality of their decisions is now being severely curtailed and, in many ways, removed will mean that future ministers may pay even less attention to the due process of decision making or to ensuring that there is a proper process and integrated planning process in this state. That draws attention to the concerns of local government and other applicants who go through what they think is a due and legal process.

I am concerned that this legislation is not just for one issue but for many issues that are yet to emerge. It will also influence future local government ministers, particularly if this minister does not survive long in this job. That is a concern. Good planning processes must be pursued. We must have legislation that does not provide ministers with loopholes to overcome their 'slaphazard' and hasty decisions when they do not put together a well argued position that they can uphold in a court of law where a judicial review has been called for.

I speak against the government's amendment bill because of the principle of this legislation. It is the principle of the extension of ministerial power to overrule people's right to bring their arguments before the courts in a judicial process that I am speaking against.