Speech by

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MEMBER FOR STAFFORD

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ICONIC QUEENSLAND PLACES BILL

Mr HINCHLIFFE (Stafford—ALP) (4.15 pm): I rise to speak in support of the bill. The introduction of the Iconic Queensland Places Bill demonstrates the response of a Queensland government that is committed to addressing community concerns through the planning and development framework. Councils which have been referred to by others during their contribution to the second reading debate have sought to ensure that development assessment acknowledged the iconic values in their areas. This bill gives councils that assurance. I want to focus my contribution on this development assessment process.

For each declared iconic place there will be a development assessment panel. That panel can choose to decide a development application for premises which are in an iconic place rather than the local government deciding on such an application. This is development assessment best practice. Under the legislation, if a panel chooses not to decide the application the local government continues to decide the application, as it does now. If a panel chooses to decide the application, development assessment will follow much the same path as it does already—that is, the local government continues to decide the application under the stages of the integrated development assessment system, or IDAS, up to, but not including, the giving of the decision notice. The local government decision becomes a recommendation to the panel. The panel then decides the application and issues the decision notice.

Panels have no additional powers that a local government would have in development assessment. But the community has the assurance that the development assessment decision is decided by an independent body that has been created under the auspices of legislation that is dedicated to preserving iconic values in their community. The usual appeal rights for applications and submitters apply.

The development assessment panels are made up of no more than five members who are appointed by the minister. The members must be at least one of the following: a person with community or environmental experience or expertise, a person with relevant professional or technical qualifications to assess development applications, and a councillor of the relevant local government. It is most likely that the councillor would be a representative from the iconic place to provide local input, which I note is a matter of key concern to the opposition.

This membership of the panel aims to ensure that there is an appropriate mix of technical expertise and community engagement in the process. The development assessment panels have no additional powers that a local government would have. The panels are required to make their decisions in accordance with the relevant planning scheme and existing decision rules of the Integrated Planning Act.

In cases where the panel chooses to decide the development application instead of the local government, the local government still continues to decide the application under the stages of IDAS but up to and not including, as I said, the giving of the decision notice. It is also important to note that there will be a significant number of instances, I am sure, where the panels will choose not to decide the development application because they will be decisions to be made about applications relating to carports, as I heard the member for Noosa interject before. They will be matters that will not go to the heart of the issue of the iconic values that are needed to be protected.

Mr Lucas: This is what local governments do all the time now.

Mr HINCHLIFFE: Absolutely. This is part of the normal system that exists generally under the integrated development assessment system. As I say, there may be those relatively small number of applications which are ultimately of interest to the panel. I think it will be a small number. But development applicants retain their normal rights of appeal.

The legislation ensures that appeal rights are also afforded to the relevant local government. Where panels are established, the community has the assurance that the development assessment decision is taken by an independent body that has been created under the auspices of the legislation dedicated to preserving iconic values in the community. The bill includes transparent accountability of the development assessment panel by including a provision that requires the panel to submit an annual report about the performance of its functions to the minister administering the iconic places legislation and the minister administering chapter 3 of the Integrated Planning Act. So there is the answer for the member of Gympie: there will be ongoing review and there are those annual reports.

There is a range of measures in the bill to ensure that panel members are accountable for their actions to a level equivalent to that expected of a local government councillor. The bill already has in place a requirement for the panel to declare conflicts of material personal interest and a requirement for the panel to report annually to the minister, as I said. It was always intended that the panel members would be expected to comply with standards equivalent to public servants and local councillors, and they are subject to the Crime and Misconduct Act 2001.

I understand from the amendments circulated in the minister's name that there will be an introduction of a general regulation-making power that ensures it is very clear that measures will be in place that mirror for panel members things that are appropriate in terms of mechanisms in place to promote accountability for councillors. These include codes of conduct, registers of interest and a record of conflicts of interest not already dealt with under the act. I also note the two other minor amendments that correct minor typographical errors.

Ensuring that there is an ability to review, check on and oversee the panel's operations provides the state government with the ability to identify potential areas of improvement for the panel systems and processes which are covered under the regulations. It is important to note that the panel is required to give the decision notice to the applicant and normal appeal rights continue to apply. The panel is also required to present the reasons for its decision in the same way that local government would have been required to do as the assessment manager for a development application. The reasons for the decision are also publicly available and decisions are open to scrutiny and appeal, as currently allowed.

As I said, these panels are development assessment best practice. They are a concept that is encapsulated in the Development Assessment Forum, a leading practice model that was developed for development assessment in Australia and published in March 2005. The DAF leading practice model refers to 10 leading practices. I will not go through the 10 leading practices that sit under different stages of assessment including policy, assessment, determination and appeals. But most significantly, leading practice No. 8, under the stage 'Determination', is professional determination for most applications. How do we see the DAF model described? It states—

Most development applications should be assessed and determined by professional staff or private sector experts. For those that are not, either:

Option A Local government may delegate DA determination power while retaining the ability to call-in ...

Option B An expert panel determines the application.

Ministers may have call-in powers for applications of state or territory significance provided criteria are documented and known in advance.

That fits very nicely in relation to this model that is proposed under the bill before the House. This document refers to what this leading practice achieves. It states—

Objective and expert evaluation of applications against known policies and objective rules and tests provides efficient and transparent assessment of most applications.

Providing a call-in power allows the policy maker to take control of applications that will either have a significant impact on the achievement of policy or which, by their nature, are likely to establish policy.

The outlet valve is there with the minister's ultimate ability to take the matter on. But who is, honourable members may ask, this shadowy organisation known as the Development Assessment Forum?

Ms Jones: Who are they?

Mr HINCHLIFFE: I am glad that the member for Ashgrove asked me that question. The Development Assessment Forum was formed in 1998 to recommend ways to streamline development and assessment and cut red tape without sacrificing the quality of the decision. It was formed by the Howard government. The forum's membership includes three spheres of government. It includes the Commonwealth government, state and territory governments and local government. It also includes the development industry and related professional associations. It is a very broad-ranging group of people

representing the interests of Australians across-the-board in looking at what is the best practice in terms of development assessment.

Development assessment panels and independent panels are very much on its list as leading practice No. 8 of what is best practice in development assessment. That is why I was particularly perplexed in noting the suggestions of the member for Kawana in his contribution to the second reading debate that the bill undermined professional planning staff employed by councils.

Mr Lucas: Not at all. What it does is help defend their decisions in many instances.

Mr HINCHLIFFE: I acknowledge the minister's interjection that, indeed, they do support professional planning staff and their decisions—that is what this is all about—unlike the member for Kawana. I refer to an article from the *Sunshine Coast Daily* during his time as town planning chair in Maroochy Shire Council. The article states—

Maroochy Council has gone against the advice of its planning staff in approving the development of a retirement village in Kuluin ...

Here we see that the emperor really has no clothes in terms of that critique of the legislation and the critique of the panels.

I also want to mention the contributions made by the members for Currumbin and Burnett, both of whom seem to feel that the legislation was about a definition of 'iconic places'—that was the key thrust of their concerns—or indeed that the legislation would apply to places that had not been subject to changes arising from local government reform. The Iconic Queensland Places Bill is not about handing out gold stars for how iconic a place is. If it were, I am sure there would be a long list of members in this House lining up for gold stars for parts of their community in terms of the iconic role they play in the nature of Queensland's community.

Mr Wellington interjected.

Mr HINCHLIFFE: I did not say that at Maleny when I had the chance to come up and speak to the people in the electorates of Nicklin and Glass House. This legislation is about a transition, where local government reform affects areas with a long tradition of protecting the special nature of their community. I think it is widely recognised that Noosa and Port Douglas have gone to great lengths in many respects to protect their communities. This legislation upholds that protection.

The legislation upholds the protection far better than previous mechanisms did. I note that the honourable member for Cook, in his very wise and astute contribution on this debate—not an unusual thing for the member for Cook—remarked on the risks that exist within governance integrity in the Australian system. One of the gravest risks is the ability of local councillors to, at whim, ignore their planning decisions and the planning schemes that they set in place in consultation with the community. I put it to members that that process would not be acceptable in this House.

Indeed, we have very grave responsibilities in terms of setting the laws of our state. We have grave responsibilities particularly in relation to the Criminal Code, for example. We set laws into the Criminal Code, but we do not try the people who come before the courts. This House does not judge their guilt or innocence. Likewise, in this special instance it should not be the role of local councillors to judge the appropriateness or not of an application in the context of its planning scheme. That is why I am very confident that this legislation will put in place a system that ensures development assessment panels will consider iconic values and it delivers to councils the assurances that I raised earlier.

In conclusion, I note my appreciation for my involvement in the development of and consultation on this legislation which was afforded to me in my role as the parliamentary secretary to the Deputy Premier. I thank the Deputy Premier for his engagement and assistance in that process. I commend the bill to the House.