




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 4 June 2015

PLANNING AND DEVELOPMENT (PLANNING COURT) BILL

Introduction

 **Mr NICHOLLS** (Clayfield—LNP) (11.54 am): I present a bill for an act about the Planning and Environment Court. I table the bill and the explanatory notes. I nominate the Infrastructure, Planning and Natural Resources Committee to consider the bill.

Tabled paper: Planning and Development (Planning Court) Bill 2015 [\[559\]](#).

Tabled paper: Planning and Development (Planning Court) Bill 2015, explanatory notes [\[560\]](#).

I am pleased to also introduce, as part of the package of bills I am talking about today, the Planning and Development (Planning Court) Bill 2015. Again I acknowledge the work of the previous deputy premier, the member for Callide, and his department and departmental officers. Many of these reforms have been previously announced and explained in the House. I also refer to the comments made in the introductory speech of the Planning and Development (Planning for Prosperity) Bill 2015 a moment ago and I expressly in this introductory speech refer to my comments in that introductory speech.

The Planning and Development (Planning Court) Bill complements the Planning and Development (Planning for Prosperity) Bill 2015. Together, both bills will govern the development assessment dispute resolution system in Queensland, which comprises of the following: the Planning and Environment Court, which hears more complex, high-risk matters generally started by applicants and submitters; an alternative dispute resolution registrar who, as an officer of the Planning and Environment Court, conducts mediations, without prejudice conferences, case management conferences and has the power to hear and decide certain low-risk proceedings started by applicants and submitters at a low cost, unless otherwise determined by the Court; and the development tribunals, formerly the building and development dispute resolution committees, which hear certain low-risk, technical disputes started by applicants only established under the Planning and Development (Planning for Prosperity) Bill 2015.

It is clear that Queensland's dispute resolution system is well regarded, but it can be improved and that is what this bill provides. The Planning and Environment Court is presently established under provisions of the Sustainable Planning Act. These provisions are located in SPA primarily due to the historical establishment of the court in local government and planning legislation over time. As a separate and stand-alone act, the bill recognises the Planning and Environment Court as a specialist court whose jurisdiction extends well past the scope of the current Sustainable Planning Act. Given the wide jurisdiction of the Planning and Environment Court, it is considered appropriate for the provisions establishing the jurisdiction and powers of the court to be transferred out of the state's planning legislation and into its own specialised, stand-alone bill. Having a separate bill for the Planning and Environment Court will enhance the role and visibility of the court as a distinct, specialised and accountable court to hear planning and environment disputes. A stand-alone bill will

also ensure its assignment to the most appropriate minister under the administrative arrangements and assure its efficacy.

The Planning and Environment Court currently has jurisdiction from approximately 28 different acts. This bill continues the establishment and function of the court, along with its jurisdiction and powers. While many of the reforms are of a technical nature, one of the more significant reforms focuses on providing an overriding philosophy for the Planning and Environment Court. That overriding philosophy is currently found in the Planning and Environment Court Rules and not the principal legislation. It is considered that the philosophy and principles for exercising the court's jurisdiction is better embedded in the bill. The philosophy provides that in conducting a Planning and Environment Court proceeding and applying the rules, the Planning and Environment Court must facilitate the just and expeditious resolution of the issues and avoid undue delay, expense and technicality. There are a myriad of other reforms, including the introduction of security for costs to remove doubt about whether it can apply to the court; the refinement of the rules, orders and directions powers of the court; and expanding the court's excusatory powers to prevent development being defeated by legal technicality.

Many of the reforms have been made in response to stakeholder feedback and extensive consultation has been undertaken in relation to these reforms. This bill, as well as the Planning and Development Bill and the Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Bill, aims to deliver the best planning system in Australia that stimulates positive development and provides opportunities for all Queenslanders now and into the future. Again the LNP looks forward to open consultation and engagement as part of the committee process. I commend the bill to the House.

First Reading

Mr NICHOLLS (Clayfield—LNP) (11.58 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Infrastructure, Planning and Natural Resources Committee

Madam DEPUTY SPEAKER (Ms Grace): Order! In accordance with standing order 131, the bill is now referred to the Infrastructure, Planning and Natural Resources Committee.