




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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**PLANNING BILLS (COGNATE DEBATE)**

 **Mr HART** (Burleigh—LNP) (9.04 pm): I rise to speak in the cognate debate on the three government planning bills and the three bills introduced by the member for Clayfield earlier this year. Before I commence my speech on the bills can I thank the other members of the committee, especially the member for Mirani. I have a great deal of respect for the member for Mirani. Even though he is on the other side of the House, he does a fantastic job chairing our committee. I usually agree with 90 per cent of what the member for Mirani has to say in the committee. I seriously doubt members will hear me say that about any other member on the other side. We have reasonable government members on our committee. We get on very well. We worked very well together.

The six bills were quite complex. It took us all quite a while to get our heads around them. We were lucky to have the member for Keppel, who has some planning experience, on our committee. She was able to steer us through some of the issues that some of us did not know about. Do not get too used to this conciliatory side to the member for Burleigh. In this case, I would like to give credit where credit is due. I would like to claim some credit for the things that those on this side of the House did.

The opposition will not be opposing the bills tonight, as the member for Mansfield said. Although we oppose the government bills, we support the opposition bills. We do that because these bills are basically the same.

The starting point for the committee was to ask the Parliamentary Library to have a look at both bills. I would ask the member for Bulimba to take note of this part of my speech. These bills have been around for a long time. This was something that the member for Callide and the member for Mansfield started working on soon after we came to government in 2012. The consultation started in 2012. It reached the stage where a lot of people had been consulted and a lot of work had been done in this area and the bills were introduced in 2014.

I was a member of the committee to which these bills were referred in 2014. We started looking at these bills in 2014. If anybody on the other side of the House—and I am particularly referring here to the member for Bulimba's comments previously—would like to look at the Parliamentary Library report that the committee received, they would see that the majority of these bills are exactly the same. Basically, what has happened here is that the Deputy Premier has copied and pasted. These are exactly the same bills with an ideological slant. There have been some minor changes. I will step through some of those later in my speech.

**Mr Ryan:** Are you saying they are identical?

**Mr HART:** I will take the interjection from the member opposite. If they would like to have a look at the Parliamentary Library report that the committee received and see what it says about how close these two bills are—

**Mr Ryan:** So you think they are identical?

**Mr HART:** They are not identical bills. I did not say that they are identical bills. I said that they are mostly the same with some ideological differences. That is what we are looking at here.

These bills were referred to the committee. At this point, I would like to thank our previous researcher director, Erin Pasley, for the work she did on these bills at the start and for the effort she put in in 2015. After all, members of the committee cannot do the work unless we have the backup of a fantastic secretariat. We have a great secretariat now. I thank them at this stage as well.

The reason that the majority of the committee said they would pass the bills is that those of us on the committee who wanted to support the opposition bills, the non-government bills, voted against the passing of the government bills in favour of the passing of the opposition bills. That is why the first six recommendations state that the majority of the committee recommend that the government bills be passed and that the private member's bills not be passed.

At this point it would be of benefit to thank the member for Callide for the work that he did in changing the way planning happens in this state. I would say it differently than the Deputy Premier in her second reading speech. This was in fact a ground-up start to planning bills in this state. It was a massive change. There were parts of the previous SPA Act that have been brought into this bill. That was a good starting point, but it was a ground-up situation. These bills are the culmination of a lot of work that the department did. I congratulate the departmental officers for the work that they have done on these bills over what is, after all, now four years that these bills have been in gestation.

There were a few matters that the committee worked through. While we did not agree that the government bills be passed, we did realise that that would be the case at the end of the day. The non-government members worked closely with the government members to make sure that these bills reflected something that made a lot of sense. A lot of the recommendations at the start of this report come from non-government members with the support of the government members. That is the reality. I would like to step through a few of those recommendations in the time I have remaining and to talk about some particular matters.

I think the member for Mansfield and the member for Callide both pointed out that the member for Clayfield tabled what were the original 2014 bills in 2015. It then took five months for the Deputy Premier to copy and paste and make those ideological changes. I am not really sure why it took five months for that to happen. As I said, they are pretty much the same bills.

The main difference is that the government bills talk purely about ecological sustainability. If any members care to turn to page 10 of the report, it states that in the government bill 'ecological sustainability' is identified as a core purpose of the proposed act. A large number of submitters who commented on the purpose of the bill were supportive of the ecological sustainability principles of the bill. Some submitters sought a more expansive purpose or additional descriptive content. In fact, many submitters preferred the use of the term 'ecologically sustainable development', which is what the private member's bill puts forward as the key to that bill. There is quite a dramatic difference in terminology there. We have one bill that is looking at developing the state. That is what has led to cranes that we see. When we walk outside and we see cranes everywhere on the skyline, it is what caused that—it was the previous government's view that we should be looking at growth. We should be looking at development, whereas this government is just looking at ecological sustainability—purely ideologically driven.

I would like to move fairly quickly through some of the recommendations that the committee made. The first one I would like to speak about is recommendation 7, which talks about the retaining of sections 68 and 70 of the Queensland Heritage Act. We did hear from the Queensland Heritage Council during our inquiry. They were concerned that SARA was not required to give them a call, write them a letter or find out how they felt about some of the development applications. As a committee, we thought it was a good idea that this legislation put in place a requirement for that. I would like to thank the Deputy Premier for considering that recommendation. I understand that she will be moving some amendments during consideration in detail. I thank the Deputy Premier for that.

I would like to talk briefly about recommendation 8. The committee considered that the giving of exemption certificates must be a transparent process. We heard from some of the councils that they had great concern about that. Again, we have made a recommendation, recommendation 8, that the minister look at whether local government and the chief executive should publish details about exemption certificates. I am glad to hear that the minister has accepted that recommendation and will move the necessary amendments for that as well.

Some of the other councils also raised the issue of choosing assessment managers. I would like to quote from the report. The department stated—

What we have found over time is that many councils are looking at ways of dealing with the more straightforward and, one could call them, simple applications as expeditiously as possible.

That is why they are looking at assessment managers. The LGAC, however, stated—

The fundamental issue is who is responsible for the decision and the consequences that flow from that decision in terms of appeals and related costs. Is the council, notwithstanding the fact that it has nothing to do with that decision, going to be held responsible or will the alternative development manager be responsible?

You can understand from the councils' point of view why they would be worried about that. The committee also heard from the EDO. I do not always take account of what the EDO had to say. In this case they said, 'Assessment managers should not be able to be chosen by the applicant.' I agree with that. They went on to say, 'At the moment this is possible in all frameworks.' The committee has made a recommendation to the minister, and I understand that she is looking at that. I do not have a note as to whether that is to be amended or not, but I am sure the minister will advise us of that in the fullness of time.

One issue that we quite heavily discussed in the committee was the infrastructure charges that might be exempt for non-state schools. The committee heard evidence from the Queensland Catholic Education Commission and Independent Schools Queensland regarding the inconsistent treatment of infrastructure charging for non-state sectors, between the provisions of the private member's bill, the bill, and the Statutory Guideline for Ministerial Designations 2015. They said—

It was our clear understanding from consultations and discussions to date that the Bills would address this inconsistency. The Private Members' Bill Planning and Development (Planning for Prosperity) Bill 2015, Section 108, 2 c iii does address this inconsistency and is strongly supported by our sectors.

We had a discussion about that in the committee. We made the following recommendation to the minister—

The committee recommends that infrastructure charging for both state and non-state schools should be consistent and equitable and therefore both state and non-state school providers be exempt from paying infrastructure charges where the development is undertaken through Ministerial designation.

I am happy that the Deputy Premier has told us that the government agrees with that and that amendments will be made.

The non-government members of the committee put in a dissenting report. I would encourage those opposite to have a read of it because it does lay out the other issues that we had with this particular committee report, which is basically the chair's report. Those issues revolve around the term 'standard and merit'.

The members for Mansfield and Callide have outlined the exact reason for this change in terminology. We heard from a lot of the submitters during our travels around the state and our hearings in Brisbane that they did not necessarily want to see that change, but that situation actually changed as we went around the state. We heard from some of the councillors, and in fact the Townsville City Council said—

If we have time, we would be happy to talk about three other key areas, one of which is levels of assessment. We know that was a key focus of consultation. It was code or impact, which is where it is currently settled, versus code or merit. Council has a view that we were pushing towards code or merit mainly because of some of the cultural outcomes that would change in terms of the preconceived ideas around development assessment and how that is managed.

I know most of those opposite do not really care about this. What they are really on about is undoing the good work that the previous government did. That is why it has taken an extra five months for the Deputy Premier to hit copy and paste. What are the keys on a PC? For the Deputy Premier's information, it is Ctrl-C and Ctrl-V; it is pretty straightforward. She could have just copied the whole bill, pasted it in, changed the headline and changed a few of those ideological things that she really wanted to change, and it could have been done a little bit speedier than five months. There are a lot of people out there who would have liked to have seen this in place months ago, if not years ago.

We are fortunate in that these things take time to occur, so we are seeing all of those cranes out there on the skyline. Those cranes have come at the behest of the previous government. We were the government that got out of the way of business, that got out of the way of people doing plans, that got out of the way of people building buildings. That is why we are seeing all of those cranes on the skyline out there. Unfortunately, they will soon start disappearing when this government's true colours come to the fore.

As I said right at the start, I would like to thank the member for Callide for his foresight in changing the planning laws in this state. He has done a trans—he has done an amazing job.

**Ms Trad:** Transformative?

**Mr HART:** I was almost going to say there were 'hectares' and 'hectares' of land that he had altered, but I thought that would break everybody up over there. I am not sure they are awake, are they? They have been a bit quiet.

I would like to thank the member for Callide for the wonderful work that he did. The member for Mansfield did not take enough credit during his speech in this second reading debate; he was heavily involved in this. The member for Southport was also heavily involved. I also mention the member for Clayfield, who introduced these bills. Finally, I mention the Deputy Premier, who took those five months to hit copy and paste but she eventually got there. She made those ideological changes that she needed to make, she finally got that bill out to a committee, we got it out the other side of a committee, we have made a number of recommendations and she has agreed with all of them. Isn't that amazing? She has agreed and the government has agreed with all of them.

I think the biggest thanks needs to go to the minister's department because the minister's department have been dragged from one place to another. They have had the member for Callide leading them down a path that was for the prosperity of Queensland, and then they have been dragged back into the Dark Ages and they have had to undo all that good work that they did. I will be supporting this bill with amendments.