




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

Record of Proceedings, 2 April 2019

ECONOMIC DEVELOPMENT AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WEIR** (Condamine—LNP) (12.15 pm): I rise to make a contribution to the debate of the Economic Development and Other Legislation Amendment Bill 2018 as a member of the State Development, Natural Resources and Agricultural Industry Development Committee. The bill was introduced into the Legislative Assembly and referred to the committee on 19 September 2018, and the committee was required to report to the House by 8 November 2018. Fifty-three submissions were received.

According to the explanatory notes regarding the preparation of the bill, the department consulted with other agencies and relevant stakeholders in the community and within industry, and stakeholders were generally supportive of the bill's amendments. However, during the inquiry the Environmental Defenders Office Queensland expressed disappointment and surprise at not being consulted in regard to the proposed amendments to the Economic Development Act 2012.

The committee learned from the submissions that the consultation process for the amendments to the Sanctuary Cove Resort Act 1985 created uncertainty and confusion, as was evidenced by the number of submissions expressing concern with the proposed amendments. This led to a significant number of submissions being outside the scope of the bill. The committee noted this, with the comment that 'the committee encourages a more robust and sincere dialogue with a broad range of stakeholders within the Queensland community'.

This bill is yet another large, omnibus bill. In this case it amends eight different acts and, as stated by the Queensland Law Society, is some 224 pages long. Given that committee members have had their time to speak to committee reports cut in half, I will be able to speak to only some of these amendments during my allocated time. I will start with amendments to the Building Queensland Act 2015.

Despite the Palaszczuk government's claim to be an open and accountable government, this amendment would reduce the reporting requirements for Building Queensland by half. A twice yearly report would be reduced to an annual report. What could possibly be the purpose of that? Would it be because the Building Queensland reports are continually full of time delays and overruns? We saw in the last report that the business case for the Bundaberg Hospital has been delayed by six months. Likewise, the business case for the south-west pipeline project to boost water supply to Beaudesert and Logan has been delayed by six months. The business case for the Somerset Dam safety upgrade was delayed by three months. There would appear to be a trend here. Why would the minister not want to hide this level of incompetence?

The amendments to the Sanctuary Cove Resort Act 1985 were the subject of a large number of submissions—

Mr DICK: Mr Deputy Speaker, I rise to a point of order. The words the honourable gentlemen used are entirely offensive—that somehow I am dishonestly trying to hide things. I ask him to withdraw.

Mr DEPUTY SPEAKER (Mr Stevens): The minister has taken offence. I ask the member to withdraw.

Mr WEIR: I withdraw. The Sanctuary Cove Resort Act will be amended to include a retirement facility and residential care facility as potential uses under the Sanctuary Cove act and introduce the ability to approve a use on a site-by-site basis in the resort. The department stated that at the time it was written the Sanctuary Cove Resort Act did not include either retirement facility or residential care facility use. This means that this type of development cannot currently occur at Sanctuary Cove Resort. The proposed amendments will not automatically approve such developments. A request for the use to be included in a zone will still be required to be made to the planning minister and consultation undertaken with the community, as required under the act.

Some submitters were concerned that a retirement village would not be in keeping with the resort and could impact negatively on property values and the Sanctuary Cove community. The department stated that any proposal would still need to be supported by the body corporate in the usual manner. It stated—

The Act does not specify that the relevant body corporate must submit development proposals to the Minister by special resolution (i.e. a resolution passed by not less than 75% of all voting requirements) and the Bill does not change this arrangement.

The bill proposes a number of amendments to the Planning Act 2016 with regard to infrastructure charge notices under the repealed Sustainable Planning Act 2009. One such amendment will correct the oversight in the transition of the Sustainable Planning Act 2009 to the Planning Act by requiring infrastructure charge notices to include the date of the notice, the appeal rights the recipient has in relation to the notice, and include or be accompanied by any information as required by the planning regulation. The department explained the need for this amendment, stating—

A recent Planning and Environment Court decision which found certain infrastructure charges notices invalid prompted a departmental sampling of infrastructure charges notices issued by a number of other councils which were found to be potentially similarly deficient. The proposed amendments to the Planning Act respond to a risk that the issuing of invalid infrastructure charges notices may be systemic across many local governments. This may place the financial sustainability of local governments at risk and create significant uncertainty for councils, industry and the community as beneficiaries of the infrastructure.

Some submitters raised concerns that it was an inappropriate use of legislative power to amend the Planning Act to retrospectively validate the challenged ICNs—that is, those that have been declared invalid by the Planning and Environment Court. The department's response was—

If there was to be some degree of escalation in developers challenging infrastructure charges notices because they may not have met a technical requirement, that leads to questions around the impact of all of those charges coming before the courts and the costs that may be involved to council, to developers and to the community of those challenges being continued to be brought.

It continued—

The financial risks and uncertainty for local governments, industry and community are considered too great not to progress the proposed amendment ...

In submissions to the inquiry the Local Government Association of Queensland and a number of local governments raised concerns about the proposed amendments to the Economic Development Act 2012, submitting that it would reduce control by local government in planning matters, particularly in relation to priority development areas. The LGAQ suggested that full agreement by the local government should be obtained before declaring a PDA, explaining—

The LGAQ understands there is a general requirement for the Minister for Economic Development Queensland to consult with each relevant local government in planning for, or developing in, PDAs ... generally, but is disappointed that the proposed legislative amendments have not extended to provide for obtaining full agreement by a local government in planning for, or developing in, a PDA.

The LGAQ opposed the removal of section 34(3) of the ED Act, stating—

... the removal of these additional requirements, broadens the powers of the MEDQ—

the Minister for Economic Development Queensland—

and could result in a PPDA—

a provisional priority development area—

being used or implemented inappropriately to circumvent local government planning scheme requirements and would also override State planning instruments.

The department responded by stating that under this section of the act the minister is required to consult with local government, further stating—

It would be a constraint if the minister needed a local government's approval to exercise the powers that are in the act, so that has not been included in this bill ...

The LGAQ made a very good point that—

... given the land in a PDA is ultimately returned to a local government to manage, the LGAQ maintains its position that local government should be afforded the opportunity in these circumstances, to agree to the terms of an infrastructure agreement and if necessary, request amendments to the infrastructure agreement before it is entered into ...

Some local government areas have struggled with maintaining the character and local individuality that sets them apart since council amalgamations under the Beattie government and any interference by government without local council approval would be seen as a further loss of that identity as a result of overarching government decision-making. This is particularly the case in regional Queensland. It was with these concerns in mind that the committee has recommended the government amend provisions relating to the making of a PPDA to include the establishment of a local consultative committee that includes a representative from local government to better support localised decision-making.

Once again we have seen this Palaszczuk government granting powers of entry to departmental inspectors that the police do not have. Under amendments to this legislation, inspectors will be granted a general power to enter places, including by consent or on warrant. Note that wording: 'including by consent or warrant', not only by consent or warrant. Part 8 sets out various powers exercisable when the inspector exercises a power of entry. These include powers to search, inspect and film, and other general powers associated with entering and inspection. Part 8 sets out other powers of inspectors, including powers to stop and move vehicles, seize and forfeit seized things, dispose of things, and require information and documents. These are very strong powers that police officers do not have, so what could possibly justify a departmental officer having them? As I said, this is a very large omnibus bill and time restricts me from commenting further.