

**Government Response to the
State Development, Natural Resources and Agricultural Industry Development
Committee**

Report No. 18

Economic Development and Other Legislation Amendment Bill 2018

Recommendation 1

The committee recommends the Economic Development and Other Legislation Amendment Bill 2018 be passed.

The government thanks the State Development, Natural Resources and Agricultural Industry Development Committee (the committee) for its consideration of the Economic Development and Other Legislation Amendment Bill 2018 (the Bill) and notes the committee's recommendation that the Bill be passed.

Recommendation 2

The committee recommends that 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.

The government supports this recommendation.

The fundamental importance of consultation in decision making under the *Economic Development Act 2012* (ED Act) is recognised. Collaboration and ongoing engagement with local governments and other affected entities in priority development areas (PDAs) are provided for in both general and specific provisions of the ED Act. They are integral to the administrative practices established by Economic Development Queensland to implement the ED Act.

These practices will be extended to the requirements for consultation in the amended process for declaring provisional PDAs (PPDAs). In addition, a new legislative requirement will be introduced that provides for the Minister for Economic Development Queensland (MEDQ) to establish a local consultative committee as soon as practicable after a PPDA is declared. The purpose of the local consultative committee is to provide for local input in decision making for PPDAs.

The government intends to move amendments during consideration in detail of the Bill to implement the committee's recommendation.

Recommendation 3

The committee recommends that during the second reading speech the Minister for State Development, Manufacturing, Infrastructure and Planning clarify that PDA exemption certificates will not have a detrimental impact on the cultural heritage significance of Queensland heritage places.

The government supports this recommendation and the Minister for State Development, Manufacturing, Infrastructure and Planning will address this matter in the second reading speech.

In PDAs, the MEDQ has responsibility for managing proposed development involving Queensland heritage places. Accordingly, Queensland heritage places are considered when preparing development instruments under the ED Act and when assessing development applications involving Queensland heritage places. This consideration of cultural heritage will be extended to any request for a PDA exemption certificate and is provided for in the Bill through the requirement for the MEDQ to consider any relevant State interests in deciding whether to issue a certificate.

The provisions also clarify that a PDA exemption certificate may be given subject to stated requirements. This provides for any necessary requirements to be imposed to protect Queensland heritage places should the MEDQ decide that the circumstances warrant a PDA exemption certificate.

Recommendation 4

The committee recommends that during the second reading speech the Minister for State Development, Manufacturing, Infrastructure and Planning clarify the powers for investigation and enforcement of PDA development offences under clause 102 and outline the need for such powers.

The government supports this recommendation and the Minister for State Development, Manufacturing, Infrastructure and Planning will address the matter in the second reading speech.

The ED Act and the *Planning Act 2016* (Planning Act) establish comparable systems for regulating development, and to the extent provided for in the Planning Act, the ED Act applies in place of the Planning Act in PDAs. Enforcement is an important part of the regulatory systems under both Acts, providing a mechanism to take preventative or remedial action to protect the community and the environment if a development offence has been committed, such as carrying out development without a permit, or contravening an approval.

Although the same sort of development offences may occur within or outside a PDA, the current enforcement provisions in the ED Act are not as comprehensive or contemporary as those in the Planning Act. The Bill seeks to rectify the situation by amending the ED Act to apply the enforcement provisions of the Planning Act, including those related to inspectors' powers. The current inspectors' powers in the ED Act derive from the *Local Government Act 2009* only and do not provide for action to be taken in relation to development offences.

In applying the Planning Act provisions (in parts 6 to 8 of chapter 5) it should be noted that there are a number of checks and balances incorporated to protect the rights and liberties of individuals. These include that inspectors must be formally appointed, suitably qualified and carry identity cards, entry may be by consent or warrant only, and is subject to stated procedures as well as any conditions of the consent or terms of the warrant. Safeguards are included for things that may be seized in relation to giving receipts, providing access and returning items.

An inspector must also take all reasonable steps to cause as little inconvenience and do as little damage as possible, and a person may claim compensation if loss is incurred by an inspector exercising powers of entry.

Recommendation 5

The committee recommends that the department correct a typographical error in clause 190 of the Bill (amending section 79 of the Planning and Environment Court Act 2016). Proposed section 79(c) should read 'an appeal brought under the Planning Act 2016 about a decision on an application mentioned in section 288(1) of the Act'.

The government supports this recommendation.

Clause 190 contains a typographical error in section 79(c) whereby the word 'in' has been inadvertently omitted. The government will move an amendment during consideration in detail of the Bill to make this correction to the provision.