

SECOND READING SPEECH

Resource Planning and Development Commission Amendment Bill 2009 (Tasmanian Planning Commission)

Mr Speaker, as you and members would be aware the State Government announced a Review into the Tasmanian planning system in March 2008.

There were two fundamental reasons that led to the Government deciding to carry out this Review.

The first was a continuing dissatisfaction being expressed to Government by various stakeholders about aspects of the planning system and secondly the 2006 Report of the Legislative Council Select Committee into planning schemes which recommended a number of changes.

The Government has been responding to concerns about the planning system as far back as the rather lengthy consultation process which commenced in 2004 with the release of the Better Planning Outcomes Discussion Paper.

Issues identified through the Better Planning Outcomes Discussion Paper and the subsequent Response Report together with the Legislative Council Select Committee report provided significant impetus to the Government's decision to conduct the 2008 Review of the State planning system.

The Terms of Reference for that Review required recommendations on streamlining planning system decision making by reviewing the allocation of roles and functions of State Ministers and Agencies, including the new Environment Protection Agency, and the RPDC and RMPAT.

Mr Speaker let me now move on to the key findings of the Steering Committee established to undertake the Review.

In general terms the Review found that:

- a) the planning system is not in need of radical overhaul but there is a capacity to redefine roles and functions of various bodies and Agencies to reduce confusion, to consolidate, share and redistribute resources and provide greater State direction on planning matters.
- b) a balance is required between the need for more comprehensive, consolidated and consistent policy and planning advice originating from Government through the planning system and for the requirement to retaining independent statutory processes while acknowledging difficulties of resources and staff availability.
- c) the Government should introduce changes to the planning system governance model based on the key requirements of providing a single authoritative voice on planning and a critical mass of planning resources within the State Government.
- d) State Government representation should be included on the RPDC.
- e) a Heads of Agency group could be utilised to provide a more whole of Government approach to the State's planning agenda.

Mr Speaker having outlined the general findings of the Review I will now move onto the substance of the Bill currently before the House which is of course to create a new peak State planning body to be known as the Tasmanian Planning Commission.

Mr Speaker to assist the Government in its consideration of the most appropriate governance model for the Tasmanian planning system the following broad objectives were identified and recommended by the planning system review:

- a) improved coordination and promotion of State Agency interests in planning;
- b) providing a single authoritative voice on State Government's planning agenda;

- c) providing a critical mass of planning expertise to deliver the recommendations of the Review and other aspects of Government policy;
- d) ensuring independent decision making on development applications and major projects.

The Steering Committee also recommended the Government improve coordination and promotion of State Agency interests in planning through;

- a) providing for State Government representation on the RPDC; and
- b) the inclusion of consideration and coordination of strategic planning issues in the terms of reference of the existing Environment and Resources Heads of Agency Standing Committee.

Mr Speaker following the establishment of the above objectives the Steering Committee identified three governance model options which were:

- a) Consolidation of most planning resources within Government into a single planning unit;
- b) An Integrated Planning Commission Model; and
- c) Maintaining the Status Quo.

The Steering Committee Report went into quite some detail in outlining the advantages and disadvantages of the various models and that information is available to those who wish to draw their own conclusions on the best model.

In accepting the objectives determined by the Steering Committee the Government has determined that the most appropriate governance model is to amalgamate the RPDC and the Planning Branch of the Department of Justice to form a new Tasmanian Planning

Commission.....that is what the steering committee described as the Integrated Planning Commission Model.

The Government has decided on this model as it provides the best means of retaining the existing independent statutory functions of the RPDC while enhancing the State's planning policy and advisory capacity. The need to do something about this last point came through very clearly in the planning review public and stakeholder consultations.

Mr Speaker there are three very important points that I need to make at this stage

The first is that the existing responsibilities of the RPDC will not change under the new Tasmanian Planning Commission legislation. All of the existing powers and functions currently exercised by the RPDC under the Land Use Planning and Approvals Act and other Acts will remain unaltered.

The second is that while the new Tasmanian Planning Commission will have a policy and advisory role under the direction of the Minister for Planning, the Act will prohibit the Minister from directing the Commission in the way it carries out the "RPDC- type" functions.

The final point to note is that the Bill ensures that the Tasmanian Planning Commission cannot delegate its decision making powers to either of the additional members on the new Commission who will come from the Department of Infrastructure Energy and Resources and the Water and Sewerage Common Services Corporation.

As a result members can be assured that the Tasmanian Planning Commission will make its decisions on matters such as assessing new planning schemes or draft planning directives with the same degree of independence the RPDC currently enjoys.

Mr Speaker it is appropriate that I make some comment on a particular feature of this Bill and that relates to the provision introducing the Ministerial Statement of Expectation.

This is intended to document how the Minister expects the Commission to operate – for example how it consults with Government and other stakeholders and what its priorities should be in providing the Minister with policy advice.

Very importantly the Statement of Expectation cannot prevent the Commission from performing any of its decision making statutory functions under the Act – the sorts of functions that the RPDC has now.

The statement will be developed through a consultative arrangement between the Minister and the Commission.

Mr Speaker further legislation will be introduced into the House in coming weeks and months dealing with additional matters arising out of the Planning Review and I am quite prepared to provide members with information on those matters as we progress this Bill through its various stages.

I should add though that some of the detail of these matters continues to be the subject of consultation with Local Government which will need to be concluded before further I will be in a position to bring the next round of legislation to the House.

I commend the Bill to the House.

CLAUSE NOTES

RESOURCE PLANNING AND DEVELOPMENT COMMISSION AMENDMENT BILL 2009 (TASMANIAN PLANNING COMMISSION)

PART I PRELIMINARY

Clause 1: Short Title

This clause provides for the use of the short title when citing the Act for legal purposes.

Clause 2: Commencement

This clause provides for the commencement of the Act on a day to be proclaimed.

PART 2 RESOURCE PLANNING AND DEVELOPMENT COMMISSION ACT 1997 AMENDED

Clause 3: Principal Act

For the purposes of this Part this clause provides for the Resource Planning and Development Commission Act 1997 to be referred to as the Principal Act.

Clause 4: Long title amended

This clause provides for a title change to the Principal Act by substituting Tasmanian Planning Commission for Resource Planning and Development Commission.

Clause 5: Section 1 amended (Short title)

This clause omits the reference to “Resource Planning and Development Commission” and substitutes “Tasmanian Planning Commission” in Section 1 of the Principal Act.

Clause 6: Section 3 amended (Interpretation)

This clause omits the reference to “Resource Planning and Development Commission” from the definition of “Commission” and substitutes “Tasmanian Planning Commission”.

Clause 7: Part 2: Heading amended

This clause provides for the heading of Part 2 of the Principal Act to reflect the substitution of the Resource Planning and Development Commission by the Tasmanian Planning Commission.

Clause 8: Section 4 amended (establishment of Tasmanian Planning Commission)

This clause provides for the establishment of the Tasmanian Planning Commission in place of the Resource Planning and Development Commission.

Clause 9: Section 5 amended (constitution of Commission)

This clause provides for two additional members nominated by the Minister to be added to the new Commission.

The first of the new members to be appointed is to be from the Agency responsible for transport and the provision of infrastructure and the second member to be appointed is to represent Regional Corporations and the Common Services Corporation established under the Water and Sewerage Water Corporations Act 2008.

Clause 10: Section 6 amended (Functions and powers of the Commission)

This clause details the additional functions and powers of the Commission in providing advice and support to the Minister on land-use planning matters.

The clause also details specific functions and powers of the Commission in relation to planning for the co-ordinated provision of transport and infrastructure and advice to local Government in relation to planning schemes.

Clause 11: Section 7 amended (Commission subject to directions of Minister)

This clause differentiates between those matters on which the Minister can direct the Commission and those matters (Schedule 3A) where the Minister cannot.

Clause 12: Sections 7A and 7B inserted

This clause provides for the inclusion of a new instrument known as a Ministerial Statement of Expectation.

New Section 7A requires the Commission to conduct its business and affairs consistent with the Ministerial Statement of Expectation.

New Section 7B outlines the purpose and limitations of the Statement of Expectation and the process for its preparation.

Clause 13: Section 8 amended (Delegation by Commission)

This clause prevents the Commission from delegating any of its functions or powers in Schedule 3A to either of the appointees to the Commission introduced by Clause 9 (the two members who will come from DIER and the Water and Sewerage Common Services Corporation).

Clause 14: Schedule 2 amended (Provisions with respect to appointment, constitution and membership of Commission)

This clause provides for the appointment of deputy members in respect to the Commission members introduced by Clause 9.

Clause 15: Schedule 3 amended (Provisions with respect to meetings of Commission)

This Clause amends the number to form a quorum at a Commission meeting from 3 to 4 following the appointment of the additional (two) members.

Clause 16: Schedule 3A inserted

This clause provides for the inclusion into the Act a schedule detailing those matters on which the Minister may not issue a direction and on which the Commission may not delegate its powers to the Commission members introduced by Clause 9.

PART 3 TO PART 21 INCLUSIVE COMPRISING CLAUSES 17 TO 66 INCLUSIVE

These clauses provide for consequential amendments to the Acts listed below and in each case provides for the reference to Resource Planning and Development Commission or Resource Planning and Development Commission Act 1997 to be substituted by Tasmanian Planning Commission or Tasmanian Planning Commission Act 1997

PART 3 CONVEYANCING AND LAW OF PROPERTY ACT 1884

PART 4 ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994

PART 5 EVIDENCE (AUDIO AND AUDIO VISUAL LINKS) REGULATIONS 2008

PART 6 FORESTRY ACT 1920

PART 7 GAS ACT

PART 8 LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

PART 9 MAJOR INFRASTRUCTURE DEVELOPMENT APPROVALS ACT 1999

PART 10 MARINE FARMING PLANNING ACT

PART 11 MINING (STRATEGIC PROSPECTIVITY ZONES) ACT 1993

PART 12 NATIONAL PARKS AND RESERVES MANAGEMENT ACT 2002

PART 13 NATURE CONSERVATION ACT 2002

PART 14 PUBLIC LAND (ADMINISTRATION AND FORESTS) ACT 1991

PART 15 RALPHS BAY CONSERVATION AREA (CLARIFICATION) ACT 2006 AMENDED

PART 16 ROADS AND JETTIES ACT 1935

PART 17 STATE POLICIES AND PROJECTS ACT 1993

PART 18 SURVEY CO-ORDINATION ACT 1944

PART 19 THREATENED SPECIES PROTECTION ACT 1995

PART 20 WATER MANAGEMENT ACT 1999

PART 21 WELLINGTON PARK ACT 1993

PART 22 TRANSITIONAL PROVISIONS

Clause 67: Transitional Provisions

This clause provides for the transition from the Resource Planning and Development Commission to the Tasmanian Planning Commission on the commencement day (to be set by proclamation).

The clause also provides for existing members of the Resource Planning and Development Commission to continue as a member of the Tasmanian Planning Commission for the balance of the period specified in the member's instrument of appointment.

The clause also provides for various actions undertaken by the Resource Planning and Development Commission before the commencement day to be treated as matters undertaken by the Tasmanian Planning Commission.

FACT SHEET

RESOURCE PLANNING AND DEVELOPMENT COMMISSION AMENDMENT BILL 2009 (TASMANIAN PLANNING COMMISSION)

- In March 2008 the Government announced a review into Tasmania's planning system with a view to streamlining decision making.
- The terms of Reference for the review required recommendations on streamlining planning system decision making by reviewing the allocation of roles and functions of the Minister, State agencies and statutory bodies.
- A Steering Committee, which included Local Government representation, was set up to oversee the review.
- In general terms the Review found that the planning system is not in need of radical overhaul but there is a capacity to redefine roles and functions of existing bodies and agencies to reduce confusion, to consolidate, share and redistribute resources and provide greater State direction on planning matters.
- The Steering Committee recommended that the Government introduce changes to the governance model based on the key requirements of providing a single authoritative voice on planning and a critical mass of planning resources within the State Government.
- The Steering Committee also recommended State Government representation should be included on the RPDC.
- In accepting the fundamental findings and recommendations of the Steering Committee Cabinet agreed to the formation of a new Tasmanian Planning Commission supported by an amalgamation of the staff of the RPDC with the staff of the Land Use Planning Branch of the Department of Justice. The Commission will exercise the powers of the current RPDC plus have an additional role of providing policy support and advice to the Minister for Planning.
- There are three key features to this Bill which establishes the new Commission.

- The first is that the existing responsibilities of the RPDC will not change under the new Tasmanian Planning Commission legislation. All of the existing powers and functions currently exercised by the RPDC under the Land Use Planning and Approvals Act and other Acts will remain unaltered.
- The second is that while the new Tasmanian Planning Commission will have a policy and advisory role under the direction of the Minister for Planning, the Act will prohibit the Minister from directing the Commission in the way it carries out the “RPDC-type” functions.
- The final point to note is that the Bill ensures that the Tasmanian Planning Commission cannot delegate its decision making powers to either of the additional members on the new Commission who will come from the Department of Infrastructure Energy and Resources and the Water and Sewerage Common Services Corporation.
- As a result the Tasmanian Planning Commission will make its decisions on matters such as assessing new planning schemes or draft planning directives with the same degree of independence the RPDC currently enjoys.
- One new feature of this Bill is the introduction of the Ministerial Statement of Expectation. This is intended to document how the Minister expects the Commission to operate – for example how it consults with Government and other stakeholders and what its priorities should be in providing the Minister with policy advice.
- The Ministerial Statement of Expectation will be developed through a consultative process between the Minister and the new Commission.
- Legislation dealing with other reform measures will be introduced into Parliament over coming weeks.