



## Standing Committee on Planning, Transport and City Services

### **Inquiry into Planning Bill 2022** **ANSWER TO QUESTION ON NOTICE**

Asked by Jo Clay MLA:

Reference: Hearing on 7 December 2022

In relation to: Independent planning decisions

(1) In the hearing on 7 December, the Committee was advised that "the matter of governance that we were quite clear about was that we were not going to look at removing an independent planning authority because that was seen as a key and strong feature in terms of integrity and probity in terms of the planning system and in fact the ACT was considered to leading on that when it was first introduced in 2003."

(a) In the Bill, is the ACT still leading in terms of independence in its planning system?

(b) What analysis was undertaken on the independence of this planning system prior to deciding that no review of government arrangements was needed as part of the Planning Review?

(2) Woden Valley Community Council submission contains the following table. This table indicates that in most jurisdictions, the planning system includes independent advice to government and an independent board making decisions. Only the ACT and Queensland do not have these independent checks.  
Is this table correct and if so, why doesn't the Planning Review establish independent advice to government and an independent board?

Governance	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
House of government	2	2	1	2	2	2	1	1
Local Government	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Independent advice to Gov	Infrastructure NSW	Infrastructure VIC	Department	Infrastructure WA	Infrastructure SA	Infrastructure Tas	Authority	Infrastructure NT
Independent Board	Yes	Yes	No	Yes	Yes	Yes	No	Yes

(3) In the hearing on 7 December, the Minister advised the Committee that 'there are strict lines of separation, Chair, if I could just mention on this and we actually use those strict lines of

separation even in briefings in my office for example. So if there's a briefing where there might be an intersection between the planning authority and the conservator, one side of that meeting will leave the office while we hear from the other side of that office.'

Is this kind of information barrier best practice in modern governance, or is modern governance shifting to structural separation rather than information barriers within an organisation?

**Mick Gentleman MLA: The answer to the Member's question is as follows:–**

- 1)
  - a) Having an independent planning and land authority is considered best practice with respect to integrity.
  - b) Please refer to the Directions Papers published on 21 November 2020 at: [Planning System Review overview.pdf \(amazonaws.com\)](https://www.amazonaws.com) .
- 2) The Territory Planning Authority is an independent planning body established under Section 16 of the Bill. Section 18 of the Bill lists the functions of the Authority while section 20 of the Bill limits the Minister's direction to the Authority.
- 3) The Bill provides a clear structural separation between statutory functions.

Approved for circulation to the Standing Committee on Planning, Transport and City Services

Signature:



Date: 19/12/2022

By the Minister for Planning and Land Management, Mick Gentleman MLA