



PMAT MEDIA RELEASE – 11 Nov 2021

SOLICITOR GENERAL'S CONFUSION HIGHLIGHTS FLAWED PLANNING CHANGES

The Solicitor General (SG) has cited changes to Tasmania's planning laws as 'complex and prescriptive'¹ in an analysis that makes a mockery of Government's pledge to make planning rules 'simpler, cheaper and fairer'.

In a critique of Tasmania's new legislation more broadly, the SG has identified amendments to Tasmania's planning laws, which passed Parliament in July 2021 and posed a pertinent question, 'How can a citizen, without the means or desire to consult a lawyer be expected to obey the law?'

"The Solicitor General's comments demonstrate that the planning reforms of the Gutwein Government has delivered flawed and confusing changes that make planning beyond the comprehension of most Tasmanians," said Sophie Underwood, State Coordinator of the Planning Matter Alliance Tasmania (PMAT), a coalition of almost 70 community groups from across the state.

"Planning rules should be simple, accessible to the public and guided by overarching State Policies but we now have a system that the Government's most senior legal practitioner cannot follow.

In June PMAT and the Tasmanian Conservation Trust (TCT) briefed the Legislative Council and raised serious concerns about the workability and transparency of the said amendments, following a campaign that involved direct correspondence with members, media coverage and 350 submissions from members of the public.

"We said prior to the amendments passing the parliament that the changes were very complicated and confusing and that they would be very difficult for anyone other than a planning expert or lawyer to understand them," said Peter McGlone, Director of the TCT. "It alienates the community rather than involves them and it seems that the Solicitor General has come to the same opinion."

"Parliamentarians who voted for these amendments, including all Labor members, have no excuse for passing laws that can't be understood. Our concerns were expressed repeatedly, ignored and now we have the Solicitor General seriously questioning Parliamentary output and the passage of legislation that is dysfunctional," said Ms Underwood.

¹ <https://www.themercury.com.au/news/tasmania/parliament-producing-laws-even-top-lawyers-cant-understand/news-story/3729a4deb40d8ba82e593f5b8e1cf1b7>

“Not only will these planning laws be a problem for members of the public trying to understand them, they’ll condemn local councils, as the planning authorities that have to use them for assessments, to complex and confusing processes and to planning decisions (some of which are already being questioned due to what they allow – see [PMAT Media Release -Government unilaterally directs sweeping changes to the planning system](#), Feb 2021).

Background

The PMAT and TCT raised these concerns about the LUPAA amendments being confusing and complex numerous times prior to them passing the Tasmanian Parliament - with the Department of Justice, opposition parties, the Legislative Council and in the media - but the government refused to take notice. Groups and individuals made exhaustive attempts to tell the government that the amendments were complex and confusing:

- Submissions in February 2021 to the Draft Legislation;
- A media release by PMAT and TCT was issued on 25 March 2021 that repeated these concerns;
- Letters were sent to the major opposition parties during the election (April 2021) repeating the concerns;
- The Bill was one of [PMAT’s key election issues](#) – 350 people emailed their candidates to ask them their position on the Bill;
- TCT and PMAT made presentations to the Legislative Council on 30 June 2021 and sent them briefing notes prior to the briefing confirming the concerns about complexity and confusion; and
- **Critically we recommended that the proposed amendments be sent to a Legislative Council committee and this was opposed by the Labor and Liberal Parties.**

For Comment

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