# Rural and Regional Adjustment Amendment Bill 2026

# Statement of Compatibility

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Dale Last, Minister for Natural Resources and Mines, Minister for Manufacturing and Minister for Regional and Rural Development, make this statement of compatibility with respect to the Rural and Regional Adjustment Amendment Bill 2026 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

## Overview of the Bill

The *Rural and Regional Adjustment Act 1994* (the Act) establishes the Queensland Rural and Industry Development Authority (QRIDA) to deliver assistance schemes primarily to promote a more productive and sustainable rural and regional sector in Queensland. The Bill amends the Act to streamline and improve the operations of QRIDA, enhance customer service, and to modernise the Act.

**Ministerial Notices**

Section 11 of the Act currently requires financial assistance schemes delivered in Queensland to be detailed in a regulation.

The process to establish a new scheme or amend an existing scheme can take several months and these time frames can be in tension with the need to be responsive, particularly when assistance is urgently needed for disaster relief.

The Bill will change this process. New schemes will instead be detailed in a guideline or non-legislative document made by QRIDA and then approved through a Ministerial Notice.

**Part Schemes**

Under the current provisions of the Act, it is clear that QRIDA can administer 'part' of an assistance scheme for the Commonwealth or another State. However, it is not clear that QRIDA can administer part of an assistance scheme for the Queensland Government.

The Bill will remove this discrepancy and clarify that QRIDA can administer parts of schemes in Queensland.

**Fund recovery**

Section 43 of the Act only allows QRIDA to recover financial assistance where an applicant:

- knowingly provides false or misleading information (section 41 of the Act) or documents (section 42 of the Act); and

- would not otherwise have been given the financial assistance.

The Bill will expand this to include circumstances where a recipient breaches a condition of receiving the financial assistance or where assistance is paid in error by QRIDA. An error could include a mistake made in assessing an application or when funds are sent to the wrong bank account.

As part of expanding these powers and modernising the Act, the Bill will provide QRIDA with new powers for investigation and enforcement. This includes the power to request a document or certification of a document, and the power to request information.

These new powers will support QRIDA to recover funds and to perform its functions under the Act.

**Customer service provisions**

The Bill sets out what must and may be included in guidelines for financial assistance schemes. Where customer service provisions apply these will be included in the relevant guideline approved through a Ministerial Notice. For example, customer service provisions could include provision for pre-approval. Stating the relevant customer service provisions in the guidelines will provide transparency and help ensure schemes are responsive and customer-focused.

**Internal Review**

The Act currently provides applicants with 20 business days to make an application for internal review. The Bill will extend this to 30 business days. Extending the timeframe and retaining the discretion of the chief executive officer (CEO) to extend it further will ensure applicants have enough time to request an internal review, particularly where a disaster or emergency has caused a delay.

**Functions of QRIDA**

Section 8 of the Act sets out the functions of QRIDA and allows for a regulation to be made to establish a new function for QRIDA. A new function was established under section 8(2)(j) of the Act in 2025 to allow QRIDA to assist Queensland Treasury Corporation in administering the Boost to Buy Scheme. The process to establish this function showed that the current provision is unclear about what such a regulation should contain.

Accordingly, the Bill will amend section 8 of the Act to make it clearer what a regulation establishing a new function could contain (for example, what the function is, how it is to be performed and for how long).

**Governance**

The Bill will update a number of corporate governance provisions to bring them in line with current practice for statutory bodies. In summary these changes will:

- enable criminal history checks when appointing a director or the CEO
- expand the grounds for disqualification from becoming a director or CEO to include:
    - having a conviction for an indictable offence (other than a spent conviction)
    - being an insolvent under administration

    - being disqualified from managing corporations because of the *Corporations Act 2001* (Cth)

- require notification of grounds for disqualification
- provide for when an office becomes vacant and allow for the appointment of an acting director or CEO.

Further information on the proposed amendments in the Bill is contained in the Explanatory Notes. As the amendments principally relate to administrative changes to improve the performance of QRIDA, the majority of amendments do not raise human rights implications. Amendments in the Bill that may limit a human right are considered below.

# Human Rights Issues

**Human rights relevant to the Bill (Part 2, Division 2 and 3 of the HR Act)**

The following human rights are relevant to the provisions of the Bill:

- the right to take part in public life (section 23 of the HR Act)
- the right to privacy and reputation (section 25 of the HR Act)
- the right to a fair hearing (section 31 of the HR Act)
- rights in criminal proceedings (section 32 of the HR Act).

**If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitation is reasonable and demonstrably justified (section 13 of the HR Act)**

**Taking part in public life (section 23 of the HR Act)**

**(a) the nature of the human right**

Section 23(2)(b) of the HR Act provides that every eligible person has the right, and is to have the opportunity, without discrimination, to have access, on general terms of equality, to public service and to public office.

**(b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom**

Clause 15 (new section 16D as renumbered) and clause 21 (new section 30) provide that a person is disqualified from becoming, or continuing to be, an appointed director of the board or the CEO of QRIDA on the basis of:

- having a conviction for an indictable offence (other than a spent conviction)
- being an insolvent under administration
- being disqualified from managing corporations under the *Corporations Act 2001* (Cth)
- failing to disclose interests under section 21 or section 38 of the Act

- not consenting to a criminal history report.

QRIDA is a statutory body responsible for significant financial assets and operations across Queensland. The purpose of these provisions is to ensure that members of the board and the CEO are fit for their roles and act in the best interests of QRIDA.

**(c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose**

Members of statutory bodies are in positions of trust and have responsibilities to ensure the effective and efficient performance of the statutory body. There is a strong public interest in ensuring appropriate oversight and accountability of people who seek or hold public office.

**(d) whether there are any less restrictive and reasonably available ways to achieve the purpose**

The provisions in the Bill are necessary to ensure the integrity of appointments to the board and the position of CEO. The factors that are the basis for disqualification could feasibly have an adverse impact on an individual's ability to act in the best interests of QRIDA.

Less restrictive and reasonably available ways to achieve the purpose have not been identified.

Similar provisions related to the disqualification are common across the Queensland statute book (for example, see the *Queensland Academy of Sport Act 2025*).

**(e) the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation on the human right**

The importance of appointing members of the board and a CEO who can be trusted to act in the best interests of QRIDA, and effectively manage significant assets in the delivery of financial assistance across Queensland, outweighs the potential limitation on the right to take part in public life.

**Right to privacy and reputation (section 25 of the HR Act)**

**(a) the nature of the human right**

Section 25(a) of the HR Act provides that every person in Queensland has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Section 25(b) of the HR Act provides that every person in Queensland has the right not to have their reputation unlawfully attacked.

**(b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom**

Clause 15 (new section 16D as renumbered) and clause 21 (new section 30) provide that a person is disqualified from becoming, or continuing as, an appointed director of the board or CEO of QRIDA if the person does not consent to the Minister requesting a report about their criminal history under new section 38H.

Clause 15 (new section 16E as renumbered) and clause 21 (new section 31) also require appointed directors and the CEO to disclose certain matters to the Minister, including if they become an insolvent under administration or are disqualified from managing corporations under the *Corporations Act 2001* (Cth).

Clause 25 (new sections 38H and 38I) provides for the Minister to request a criminal history report from the police commissioner and requires an appointed director and the CEO to notify the Minister if they are convicted of an indictable offence during their appointment.

QRIDA is a statutory body responsible for significant financial assets and operations across Queensland. The purpose of these disclosure requirements, paired with the disqualification provisions, is to ensure individuals appointed to the board and the CEO act in the best interests of QRIDA.

**(c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose**

As outlined above, the purpose of the clauses listed is to ensure the integrity of the membership of the board and the position of CEO. To determine a person's suitability for appointment, the Minister requires the power to independently verify the person's criminal history. However, before doing so, the Minister must seek the person's consent. Once in office, and to ensure ongoing suitability, it is necessary that appointed directors and the CEO disclose pertinent changes to their individual circumstances, should they occur.

The limitation on the right to privacy and reputation imposed by the clauses outlined is necessary for such information to be obtained. It is in the public interest that the membership of statutory bodies be open to scrutiny by the Minister with legal oversight of the body, and that obligations are imposed on the board and the CEO to disclose matters that could disqualify them from their roles.

**(d) whether there are any less restrictive and reasonably available ways to achieve the purpose**

The provisions in the Bill that require personal information to be disclosed are necessary to ensure the integrity of appointments to the board and the position of CEO. Without the power to obtain this information, the ability to manage issues that may adversely impact the performance of the board and the CEO could be significantly compromised.

In relation to criminal history information, new section 38J imposes strict requirements on confidentiality, including offence provisions for disclosing criminal history information, and requirements to destroy criminal history reports as soon as practicable once they are no longer needed.

**(e) the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation on the human right**

As outlined above, the importance of the Minister having the power to obtain information about a person's criminal history and the requirement for a person to disclose certain matters that would disqualify them from being an appointed director or CEO are important in ensuring the integrity of the board and QRIDA more broadly. Such provisions are common in legislation

and, paired with the confidentiality requirements, strike a fair balance between the importance of ensuring an individual's right to privacy and the integrity of statutory bodies in Queensland.

**The right to a fair hearing (section 31 of the HR Act) and rights in criminal proceedings (section 32 of the HR Act).**

**(a) the nature of the human right**

Section 31 of the HR Act provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Section 32 of the HR Act provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. A person charged with a criminal offence is entitled, without discrimination, to a number of minimum guarantees, including the right not to be compelled to testify against themselves or to confess guilt.

A person's right to a fair hearing and rights in criminal proceedings could be limited where they are not excused from providing information or a document to the chief executive officer of QRIDA upon request, even where such information may tend to incriminate them or expose them to a penalty.

**(b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom**

Clause 11 of the Bill inserts new section 12B to recover financial assistance in certain circumstances and inserts new sections 12C to 13C to provide QRIDA with powers for investigation and enforcement.

New section 12B effectively replaces the current section 43 of the Act and provides for the following grounds for recovery:

- where a person has breached a condition under which the assistance was given
- where QRIDA reasonably believes a person has contravened section 41 or 42 of the Act and provided false or misleading information or documents to receive financial assistance that they would not otherwise have been given
- where QRIDA becomes aware a person has received financial assistance because of a mistake and they would not have otherwise received it.

Where a ground for recovery has occurred, QRIDA can give the person an information notice stating:

- the ground for recovery
- that the person is required to repay a stated amount not exceeding the amount of the financial assistance
- the reasonable period within which the person must repay the amount.

The person must repay the amount stated within the stated period. The liability arising from the notice is a debt payable to QRIDA, which may be recovered in a court of competent jurisdiction and, if the notice is given to two or more people, is joint and several. QRIDA may

enter into an arrangement with the person to repay the amount in instalments. Such an arrangement may include provision for the payment of interest.

People who receive this notice will be able to seek an internal review, as well as a review of the internal review decision by the Queensland Civil and Administrative Tribunal (QCAT), under the new review provisions in Part 5A inserted by clause 24 of the Bill.

QRIDA is required by section 8 of the Act to ensure that schemes are properly and fairly administered. Allowing QRIDA to recover financial assistance that was obtained on the basis of intentionally false or misleading information, or to recover assistance provided because of a mistake, helps ensure schemes are properly and fairly administered. This is in line with community expectations that public resources are managed fairly and responsibly.

New section 12D provides the chief executive officer of QRIDA with the power to require the production or certification of a document. A document that the chief executive officer may require a person to make available or produce is limited to:

- a document issued to the person under the Act
- a document required to be kept by the person under the Act, an approved assistance scheme or an authorised external scheme.

New section 13 provides that a person must comply with the requirement to produce or certify a document, unless the person has a reasonable excuse. It is not a reasonable excuse to fail to comply because compliance may tend to incriminate the person, expose the person to a penalty or expose the person or another person to action for recovery under new section 12B. However, limited evidential immunity is provided in new section 13C.

New section 13A provides that the chief executive officer can require information when the chief executive officer reasonably believes that the person may be able to provide information related to:

- the existence of grounds for recovery
- an offence against the Act having been committed
- whether QRIDA needs to:
    - cancel the provision of assistance
    - put conditions on giving assistance
    - change the arrangements for the repayment of debts to QRIDA
    - decline to deal with applications made by a person.

New section 13B provides that a person who receives a notice under section 13A(2) must comply with the requirement to provide information, unless the person has a reasonable excuse. It is a reasonable excuse to not give the information because it may tend to incriminate the individual or expose the individual to a penalty. However, it is not a reasonable excuse for an individual to not give the information because it may tend to expose the individual or another person to action for recovery under section 12B.

New section 13C provides limited evidential immunity for individuals who comply with the requirement to produce or certify a document under new section 12D. Evidence of the document, or evidence directly or indirectly derived from the document, is not admissible against the individual in any proceeding to the extent that the evidence tends to incriminate the

individual or expose them to a penalty in the proceeding. However, this does not apply to a proceeding about the false or misleading nature of anything in the document or a proceeding in which the false or misleading nature of the document is relevant evidence.

As stated above, the purpose of these provisions is to support QRIDA in ensuring that schemes are properly and fairly administered.

Should a person provide false or misleading information to receive financial assistance, and the chief executive officer reasonably believes that an offence has been committed, the offence provision in section 13B ensures the person cannot refuse to provide information on the basis that providing the information would expose them to grounds for recovery. This is in line with community expectations that public resources are managed fairly and responsibly.

**(c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose**

Allowing QRIDA to recover financial assistance, where appropriate, will strengthen its capacity to manage public resources responsibly. QRIDA will not be mandated to recover funds in every case and will have to weigh up, for example, the views of the policy agency that is responsible for the scheme, the nature of the grounds for recovery, the time and effort it would take to recover the funds, and the amount that could be recovered.

The investigation and enforcement provisions will ensure QRIDA can access all information it reasonably believes is necessary to perform its functions under the Act.

**(d) whether there are any less restrictive and reasonably available ways to achieve the purpose**

There are no less restrictive or reasonably available ways to achieve the purpose. Without the powers in the Bill, QRIDA cannot reliably recover financial assistance that is paid in error or paid on the basis of intentionally false or misleading information.

Without the provisions, individuals could not be required to inform QRIDA of matters that relate to the performance of its functions under the Act. In particular, individuals could not be required to provide information in relation to the grounds for recovery.

However, the Bill provides a number of important safeguards.

To recover financial assistance, QRIDA must issue an information notice under new section 12B. People who receive this notice will be able to seek an internal review, as well as a review of the internal review decision by QCAT. This ensures that a person who receives the notice can have the matter decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

In relation to the requirement to produce or certify a document, if an individual gives a document to the chief executive officer, then evidence of the document and evidence directly or indirectly derived from the document is not admissible against the individual in any proceeding to the extent that it may incriminate the person or expose them to a penalty. This immunity does not apply to a proceeding about the false or misleading nature of anything in the document or a proceeding in which the false or misleading nature of the document is

relevant evidence. This is intended to strike a fair balance between ensuring necessary information is provided and limiting the ways that information can be used.

**(e) the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation on the human right**

With the safeguards included in the Bill, the provisions strike a fair balance between the purpose of the limitation and the importance of preserving the relevant human rights, taking into account the nature and extent of the limitation on the human right.

# Conclusion

In my opinion, the Rural and Regional Adjustment Amendment Bill 2026 is compatible with human rights under the *Human Rights Act 2019* because it limits human rights only to the extent that it is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

**Dale Last**
Minister for Natural Resources and Mines
Minister for Manufacturing
Minister for Regional and Rural Development

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