



Queensland Plan Bill 2014

Report No. 51
Finance and Administration Committee
October 2014

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Acknowledgements

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Abbreviations

CLA	Committee of the Legislative Assembly
DPC	Department of Premier and Cabinet
FAC	Finance and Administration Committee
FLP	Fundamental Legislative Principles under the <i>Legislative Standards Act 1992</i>
FPMS	<i>Financial and Performance Management Standard 2009</i>
FRRs	Financial Reporting Requirements
KPIs	Key performance indicators
LGAQ	Local Government Association of Queensland
OQPC	Office of the Queensland Parliamentary Counsel
PHAA	Public Health Association of Australia
QAO	Queensland Audit Office
QTT	Queensland Treasury and Trade
QUT	Queensland University of Technology
RDA FNQ&TS	Regional Development Australia Far North Queensland and Torres Strait Inc.

Glossary

Acts	All Acts referred to in this report refer to Queensland Acts unless otherwise specified
the Bill	<i>Queensland Plan Bill 2014</i>
the Committee	Finance and Administration Committee
the department	Department of Premier and Cabinet

Chair's Foreword

This report presents a summary of the Committee's examination of *Queensland Plan Bill 2014*.

The Committee's task was to consider the policy outcomes to be achieved by the legislation, as well as the application of fundamental legislative principles – that is, whether it has sufficient regard to rights and liberties of individuals and to the institution of Parliament.

The public examination process allows the Parliament to hear views from the public and stakeholders they may not have otherwise heard from, which should make for better policy and legislation in Queensland.

The objective of the Bill, as outlined in the explanatory notes, is to provide a legislative framework to support the development of a long-term plan that is principles-based and reflective of the aspirations of Queenslanders, against which a longer-term focus across the community can be set, monitored and maintained.

The Committee has made six recommendations, including the recommendation that the Bill be passed. The recommendations are aimed at addressing the issues raised by submitters both in their submissions and at the public hearing.

On behalf of the Committee, I would like to thank those that took the time to provide submissions, who met with the Committee and provided additional information during the course of this inquiry. I would also like to thank the departmental officers for their cooperation in providing information to the Committee on a timely basis.

Finally, I would like to thank the other Members of the Committee for both their active participation and willingness to think critically through the issues. I would also like to thank the secretariat for their continued hard work and support.



Steve Davies MP
Chair

October 2014

Recommendations

Standing Order 132 states that a portfolio committee report on a bill is to indicate the Committee's determinations on:

- whether to recommend that the Bill be passed
- any recommended amendments
- the application of fundamental legislative principles and compliance with the requirements for explanatory notes.

The Committee has made the following recommendations:

Recommendation 1 **3**

The Committee recommends that the *Queensland Plan Bill 2014* be passed.

Recommendation 2 **12**

The Committee recommends that legislative assurances be provided to ensure there is flexibility in how the core outcomes are to be achieved by authorities such as local governments and universities.

Recommendation 3 **14**

The Committee recommends that independent statutory officers and other organisations, whose independence is outlined in other legislation, be provided with assurance, through additional clauses, that the Bill does not impede their independence.

Recommendation 4 **19**

The Committee recommends that the department analyse and report on the process for completion of the annual report on the Queensland Plan.

Recommendation 5 **22**

The Committee recommends that the government continues to directly consult with the community in addition to the Ambassadors Council, on the Queensland Plan.

Recommendation 6 **24**

The Committee recommends that the Minister provide comment on how the joint responsibility principle included in Schedule 1 does not create a legal obligation for local governments.

1 Introduction

1.1 Role of the Committee

The Finance and Administration Committee (the Committee) is a portfolio committee established by the *Parliament of Queensland Act 2001* and the Standing Orders of the Legislative Assembly on 18 May 2012.¹ The Committee's primary areas of responsibility are:

- Premier and Cabinet; and
- Treasury and Trade.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio area to consider –

- a) the policy to be given effect by the legislation;
- b) the application of fundamental legislative principles to the legislation; and
- c) for subordinate legislation – its lawfulness.

Standing Order 132(1) provides that the Committee shall:

- a) determine whether to recommend that the Bill be passed;
- b) may recommend amendments to the Bill; and
- c) consider the application of fundamental legislative principles contained in Part 2 of the *Legislative Standards Act 1992* to the Bill and compliance with Part 4 of the *Legislative Standards Act 1992* regarding explanatory notes.

Standing Order 132(2) provides that a report by a portfolio committee on a bill is to indicate the Committee's determinations on the matters set out in Standing Order 132(1).

Standing Order 133 provides that a portfolio committee to which a bill is referred may examine the Bill by any of the following methods:

- a) calling for and receiving submissions about a bill;
- b) holding hearings and taking evidence from witnesses;
- c) engaging expert or technical assistance and advice; and
- d) seeking the opinion of other committees in accordance with Standing Order 135.

1.2 Referral

The Premier, Hon Campbell Newman MP, introduced the *Queensland Plan Bill 2014* to the Legislative Assembly on 26 August 2014. The Bill was referred to the Committee. The Legislative Assembly agreed to a motion requiring the Committee to report to the Legislative Assembly initially by Tuesday 7 October 2014.

¹ *Parliament of Queensland Act 2001*, s88 and Standing Order 194

The Committee was concerned that the proposed reporting date did not allow sufficient time for adequate consultation and consideration of the Bill due to the inclusion of school holidays and a public holiday within the consideration period. Of particular concern to the Committee was that adequate time was provided to potential submitters, including regional councils, who may be impacted by the Bill, to prepare and lodge any submissions on the Bill. The Committee wrote to the Committee of the Legislative Assembly (CLA) to seek an extension to the reporting date for the inquiry to Monday 13 October 2014. On Thursday 28 August 2014, the Legislative Assembly agreed to a motion requiring the Committee report to the Legislative Assembly by Friday 10 October 2014.

1.3 Committee Process

The Committee's consideration of the Bill included calling for public submissions, a public departmental briefing and a public hearing. The Committee also sought additional written advice from the department.

The Committee considered expert advice on the Bills' conformance with fundamental legislative principles (FLP) listed in Section 4 of the *Legislative Standards Act 1992*.

1.4 Submissions

The Committee advertised its inquiry into the Bill on its webpage on 26 August 2014. The Committee also wrote to stakeholder groups inviting written submissions on the Bill.

The closing date for submissions was Monday 22 September 2014. The Committee received 13 submissions and two late submissions. A list of those who made submissions is contained in Appendix A. Copies of the submissions are published on the Committee's website and are available from the Committee secretariat.

1.5 Public departmental briefing

The Committee held a public departmental briefing on the Bill with officers from the Department of Premier and Cabinet on Wednesday 10 September 2014. A list of officers who gave evidence at the public departmental briefing is contained in Appendix B. A transcript of the briefing has been published on the Committee's website and is available from the committee secretariat. The Committee also sought additional written information from the department subsequent to the briefing.

1.6 Public hearing

On Tuesday 30 September 2014, the Committee held a public hearing on the Bill with representatives from organisations which provided submissions. A list of representatives who gave evidence at the hearing is contained in Appendix C. A transcript of the briefing has been published on the Committee's website and is available from the committee secretariat.

1.7 Policy objectives of the *Queensland Plan Bill 2014*

The objective of the Bill, as outlined in the explanatory notes, is to provide a legislative framework to support the development of a long-term plan that is principles-based and reflective of the aspirations of Queenslanders, against which a longer-term focus across the community can be set, monitored and maintained.

The primary objectives as set out in the explanatory notes are to:

- vest responsibility in the Premier for facilitating the development of, reporting on and reviewing, a long-term plan - known in this instance as the Queensland Plan;
- provide overarching guidance about the purpose and principles of the Queensland Plan in articulating the community's long-term vision for Queensland;
- provide for the development of a Queensland Government response to the Queensland Plan (the government response) that will outline the State government's contribution to implementing the Queensland Plan;
- ensure that the policies, programs and services delivered by State government departments and statutory bodies are consistent with the strategic direction of the government response;
- enable the Premier to determine a set of core outcomes for State government departments and statutory bodies to achieve as part of the government response;
- require State government departments and statutory bodies, in their annual reports under the Financial Accountability Act 2009, to report on their progress in developing policies and programs, and delivering services, that are consistent with the strategic direction of the government response to the Queensland Plan;
- require each local government, in preparing its five-year corporate plan in accordance with the requirements of the Local Government Regulation 2012 and the City of Brisbane Regulation 2012, to have regard to the strategic direction of the Queensland Plan, and to report annually on their performance in achieving these strategic directions;
- provide governance arrangements to support the establishment and ongoing functioning of the Queensland Plan Ambassadors Council (the ambassadors council);
- require the Premier to prepare, in consultation with the Ambassadors Council, an annual progress report on the implementation of the Queensland Plan, and to table a copy of the report in the Legislative Assembly;
- encourage the uptake of the strategic vision of the Queensland Plan by the community, business and industry;
- provide for the public availability of the Queensland Plan, for example, by being available on a State government website; and
- provide for the review of the Queensland Plan every five years and for the engagement of the ambassadors council and the community, business and industry, in this process.

Pursuant to Standing Order 132(1)(a), the Committee recommends that the Bill be passed.

Recommendation 1

The Committee recommends that the *Queensland Plan Bill 2014* be passed.

2 Examination of the Queensland Plan Bill 2014

2.1 Background – the Queensland Plan

The Queensland government announced the development of its 30-year vision in early 2013. The Premier stated:

Last week, I officially launched the creation of the Queensland Plan—a 30-year vision for Queensland. Shaping this plan will be a collaborative process that will involve the community, industry and local and state governments to set the long-term vision for our state. This will not be a state government plan; it will be a plan created by Queenslanders for Queensland. It will influence the future decision making of all levels of government, industry and community groups.²

The timeline of the development of the plan is as follows:

- April 2013: An initial industry workshop was held and attended by a range of peak body, business, industry and community organisation representatives.
- May 2013: Mackay Summit which was attended by Members of Parliament, mayors, youth and community representatives from every electorate. Six questions developed at this Summit were released online for comment. The questions posed to Queenslanders were:
 - *In the context of living in the community, how do we move our focus from me to we?*
 - *How do we create and foster an education culture that teaches skills and values to meet global challenges and optimise regional strengths?*
 - *How do we empower and educate individuals, communities and institutions to embrace responsibility for an active and healthy lifestyle?*
 - *How do we structure our economy to ensure our children inherit a resilient future?*
 - *How do we strengthen our economic future and achieve sustainable landscapes?*
 - *How do we attract and retain the brightest minds and ideas where they are most needed and capitalise on global opportunities?³*
- May 2013 – August 2013: Community engagement.
- October 2013: Brisbane Summit attended by over 600 community representatives, politicians, public servants and industry and business representatives. The top ten priorities identified at this Summit were:
 - *Education that is flexible, affordable and accessible to all, including rural, remote and disadvantaged*
 - *Communities that are well planned, well connected and engender community spirit*
 - *Queensland being recognised as internationally competitive with an increase in exports/business especially in agriculture and ecotourism sectors*
 - *Regions being attractive to study, work and live for bright minds and trained professionals*
 - *Delivery of economic, social and community benefits through infrastructure*

² Queensland Legislative Assembly, Hon CKT Newman MP, Premier, Ministerial Statements, *Parliamentary Debates (Hansard)*, 5 March 2013: 279

³ Queensland Government, Hon CKT Newman MP, Media Statements, Department of the Premier and Cabinet, 13 May 2013

- *A long term approach to planning and delivery of infrastructure*
- *The highest productivity rate in Australia with no skills shortage*
- *Investment and research into innovation in Queensland's areas of strengths*
- *Centres of excellence attracting human capital and driving innovation*
- *An education model that leverages community and industry partnerships.*⁴

A working draft was endorsed from this summit.

- December 2013 to 7 March 2014: Working draft of the Plan released for public review and feedback. 566 individuals and groups provided feedback.
- 9 April 2014: An independent review group, randomly selected from an expression of interest (EOI) process involving Brisbane Summit delegates, attended a workshop to review the community's feedback on the working draft.⁵
- 31 July 2014: The Premier announced the launch of the Queensland Plan and the formation of the Ambassadors Council at the LGAQ Regional and Economic Development Conference in Hervey Bay.⁶

2.2 Alternative ways of achieving policy objectives

In October 2013, in announcing the Queensland Plan the Premier stated:

*Queensland's priorities for the future will be enshrined in legislation and will be central to government policy.*⁷

The explanatory notes outlined that public announcements were made by the Premier that legislation will be put in place for the Queensland Plan. Other options to implement the Plan were considered. The explanatory notes state that these options were:

- to include provisions relating to the Queensland Plan in existing legislation; or
- to develop and introduce specific legislation to enable the principles underlying the plan, and its scope and intent, to be evident.

The explanatory notes outlined that the option to include provisions in existing legislation may have resulted in the proposed provisions becoming enmeshed in legislation that did not give sufficient emphasis to the broad, long-term and whole-of-State scope of the Queensland Plan.

The department explained that having the Queensland Plan enshrined in legislation provides for a clear direction around the importance of a long-term vision for the community. They stated:

*It also provides, I guess, greater accessibility and transparency to the broad number of people who are involved in the process of contributing to the development of a Queensland Plan and that it would be taken forward and implemented in future.*⁸

Legislation of the Queensland Plan also meant that future governments would be required to demonstrate how progress is made on the implementation of the plan.⁹

⁴ Queensland Government, Hon CKT Newman MP, Media Statements, Department of the Premier and Cabinet, 10 October 2013

⁵ Queensland Government, *The Queensland Plan* June 2014: 12-13

⁶ Queensland Government, *The Queensland Plan* <http://queenslandplan.qld.gov.au/about/the-journey.aspx> [1 October 2014]

⁷ Queensland Government, Hon CKT Newman MP, Media Statements, Department of the Premier and Cabinet, 10 October 2013 <http://statements.qld.gov.au/Statement/2013/10/10/welcome-to-your-queensland-of-the-future>

⁸ Ms Neale, Public Briefing Transcript 10 September 2014: 5

⁹ Ms Neale, Public Briefing Transcript 10 September 2014: 5

The Committee queried why sections of or previous versions of aspirational plans could not have been altered or modified for improvement rather than reintroducing a new concept. In particular, the Committee noted that similar goals had been outlined in previous plans such as the *Towards Q2*. The department explained that the process to develop the Queensland Plan was established as a 'community vision, rather than a government plan as such'.¹⁰ The department also advised that no comparison had been undertaken between *Towards Q2* and the Queensland Plan.¹¹

2.3 Stakeholder consultation

The explanatory notes state that a large-scale community engagement activity was undertaken resulting in the Queensland Plan.

The explanatory notes also outline that all State government departments and principal stakeholders, including local government, the Queensland Council of Social Service and business and industry representatives, including the Property Council of Australia, the Queensland Resources Council, the Chamber of Commerce and Industry Queensland and the Queensland Tourism Industry Council were consulted in developing the Bill.

The department advised that targeted consultation was undertaken with the Local Government Association of Queensland (LGAQ), selected local governments including the Brisbane City Council, Central Highlands Regional Council, Rockhampton Regional Council, Whitsundays Regional Council as well as the Central-Western Queensland Remote Area Planning and Development Board and the Far North Queensland Regional Organisation of Councils.¹² The department stated that local governments were generally supportive during the consultation process.¹³

However, the explanatory notes identified that there were some concerns about the practical operation of the Bill's reporting provisions, particularly where local governments' annual reports may be unavailable in time for consideration by the Premier's annual progress report. The department advised:

*To address this issue, rather than increasing the regulatory burden, administrative steps will be taken to directly gather the necessary information from councils.*¹⁴

2.4 Estimated Cost of government Implementation

The explanatory notes state that funding of \$4.6 million over four years was allocated to develop the Queensland Plan.

The department confirmed that the 2013-14 Budget (Budget Paper No. 4) provides for an additional net funding of \$1.7 million over four years taking the total funding to \$4.6 million over four years for the coordination, development and implementation of the Queensland Plan.¹⁵ The department advised that the \$4.6 million encompassed a range of activities associated with the development of the Queensland Plan.

¹⁰ Ms Neale, Public Briefing Transcript 10 September 2014: 7

¹¹ Ms Neale, Public Briefing Transcript 10 September 2014: 8

¹² Ms Neale, Public Briefing Transcript 10 September 2014: 5

¹³ Ms Neale, Public Briefing Transcript 10 September 2014: 5

¹⁴ Dr Ward, Public Briefing Transcript 10 September 2014: 2

¹⁵ Correspondence from Executive Director, Department of Premier and Cabinet, to FAC dated 15 September 2014: 1

They stated:

In terms of what that encompassed, there were summits held in Mackay and Brisbane in 2013. It also included the community engagement phase activities, so that included promotional activities and advertising. It included the compilation of the communities' feedback and the report associated with that feedback. It included the printing of the Queensland Plan working draft that was released on 8 December last year, and it also included the consultation phase that was held in conjunction with that working draft and the report that was associated with the communities' feedback. It included online discussion forums that were held over a week in February of this year—we called them 'web jams'—and it also included an independent review group. There was a review group convened to review the communities' feedback, and that was through an expression-of-interest process from Brisbane summit delegates. That was held in early April, so it included that.¹⁶

The department explained that the expenses incurred to May 2014 totalling approximately \$3.68 million are related to the stakeholder summits, community engagement, compiling feedback from the consultation phase and online discussions held in regards to the Queensland Plan. The remaining funds of \$922,015 have been allocated to support the Ambassadors Council and other future activities.¹⁷

The explanatory notes also outline that the costs to implement the government response to the Queensland Plan will be subject to the usual State government budgetary process.

The Committee identified that budgetary processes may be impacted by external factors such as changes to the Commonwealth legislation or Commonwealth funding. For example, there was a change of Commonwealth funding in terms of allocations to the states for health and education.¹⁸

The department acknowledged the possibility that changes to Commonwealth funding and legislation may have an impact on the Queensland Plan. However, the '*precise nature of that impact would depend on what the change was to be.*' The department explained:

The Premier has written to the Prime Minister noting the launch of the Queensland Plan and encouraging a stronger state and federal partnership in delivering the plan.¹⁹

2.5 Consistency with legislation of other jurisdictions

Not applicable.

2.6 Commencement

The Bill provides that the Act will commence on a date to be fixed by proclamation.

¹⁶ Ms Neale, Public Briefing Transcript 10 September 2014: 2

¹⁷ Ms Neale, Public Briefing Transcript 10 September 2014: 2

¹⁸ Ms Neale, Public Briefing Transcript 10 September 2014: 3

¹⁹ Ms Neale, Public Briefing Transcript 10 September 2014: 3

3 Examination of the Queensland Plan Bill 2014

3.1 Policy objectives and the reasons for them

The explanatory notes outline one of the primary policy objectives of the Bill are to

- *require State government departments and statutory bodies, in their annual reports under the Financial Accountability Act 2009, to report on their progress in developing policies and programs, and delivering services, that are consistent with the strategic direction of the government response to the Queensland Plan*

The Committee received several submissions that were concerned about this clause (read in conjunction with clause 8(3)). For example, the University of Queensland stated:

The University would be very concerned about the reporting burden associated with this measure were it meant to include Universities.²⁰

This policy objective will be examined further in conjunction with clause 8(3) in section 3.3.1 of this report.

3.2 Part 1 Preliminary

3.2.1 Clause 3 Main purposes of the Act

<p>Clause 3 – Main purposes of Act</p> <p>The main purposes of this Act are to -</p> <p>(a) provide for the development and ratification of a plan, known as the Queensland Plan, that -</p> <ul style="list-style-type: none"> (i) establishes a long-term vision for the future growth and prosperity of Queensland; and (ii) reflects the aspirations of the community, business and industry for the future of Queensland; and <p>and</p> <p>(b) provide for the implementation of the Queensland Plan, including by -</p> <ul style="list-style-type: none"> (i) developing a government response to the Queensland Plan and aligning the policies, programs and services of public authorities to the strategic direction of the government response; and (ii) aligning local government planning to the strategic direction of the Queensland Plan; and (iii) encouraging the community, business and industry to implement the Queensland Plan; and <p>(c) establish the ambassadors council to advocate for the implementation of the Queensland Plan by the community, business and industry.</p>

The Committee posed the question of whether legislation was necessary, especially as previous plans had not required legislation. The department advised that the Queensland Plan is viewed as a long term approach to state planning beyond electoral cycles. The department explained that the *'decision to legislate was a policy decision of government'*.²¹

The Committee received submissions that support the 'Health and Wellbeing' goals outlined in the Queensland Plan. The Committee notes that some of the issues raised were directly related to the Queensland Plan and not to the Bill. However the Committee considers that those issues have relevance to any consideration of the Queensland Plan. For example, Diabetes Queensland stated that they were *'encouraged by the commitment to a long term plan for creating a healthier community'* but added that there should be specific mention of the rates of decline of diabetes in the annual reporting on the Queensland Plan.²²

²⁰ Submission 12

²¹ Ms Neale, Public Briefing Transcript 10 September 2014: 4

²² Submission 5: 1

The PHAA however considered that the 'Health and Wellbeing' goals '*seem somewhat reflective of an individualistic approach*'. They submitted:

*It places blame squarely on people with 'lifestyle diseases'. Indirectly it gives a message that 'Queenslanders choose to live a healthy life, so if you do not live healthily it's your choice and it's your fault if you get sick'. It somewhat distracts from, or is even contradictory to, the other parts that address the government's role in "making the healthier choice the easier choice" as per the Ottawa Charter.*²³

Diabetes Queensland also considered that '*it is the infrastructure, planning codes, health system and government policy which have the opportunity to favourably impact the choices made by individual and ultimately influence the outcomes of the goals*'.²⁴

The PHAA advised the Committee:

*In the meantime, of course, with junk food marketing to children we are ready for a restriction on that and that is government responsibility. So what we think should be happening is that the legislation should make sure that government is wearing its responsibility in what is a really good plan and those are the examples.*²⁵

The PHAA recommendations include the following:

Incorporate health more prominently into the vision of the Plan.

Acknowledge the greater support needed from a range of services to help people make healthy lifestyle choices and the important role of skilled workforce in delivering preventive health services.

Incorporate oral health and sexual and reproductive health into the Plan as success factors for health and wellbeing.

Have more defined measures for success and explicitly include physical activity, sedentary behaviour, deaths from injury, sun protection, and immunisation as secondary measures of success of the Plan.

Ensure that any success factors and outcome measures are based on evidence and scientifically sound predictive models.

*Adopt a more rigorous evaluation of the Plan such as a Health Impact Assessment.*²⁶

The Committee queried whether a partnership approach with a strategic plan would deliver similar outcomes to that of the Bill. QUT explained:

*I think from the universities' point of view that would be a better model. As I think both universities here have said, we support the Queensland Plan. The difficulty is that we have written into our acts words like these: that we must act in a way that appears to it most likely to promote the university's interests. That is fairly specific.*²⁷

²³ Submission 10: 4

²⁴ Submission 5: 1

²⁵ Mr Moore, Public Hearing Transcript 30 September 2014: 3

²⁶ Submission 10: 8

²⁷ Professor Dickenson, Public Hearing Transcript 30 September 2014: 7

The PHAA stated that there were advantages and disadvantages and that legislation does not bind community groups such as theirs. They added:

However, legislation does have an effect and we would take such things into effect. But the thrust of what we are saying is if the legislation does bind the government and requires the government to establish a clear direction for implementation as schedule 1, section 3 suggests, then there may be some advantage in that, acknowledging what I hear from my colleagues around this table in terms of their circumstances, but ensuring that there is government responsibility as well I think is quite fundamental to this plan, however delivered.²⁸

3.3 Part 3 Implementation of the Plan

3.3.1 Clause 8 – Government response to the Queensland Plan

Clause 8 – Government response to the Queensland Plan

Clause 8(1) specifies that the Premier must develop a government response to the Queensland Plan that outlines a whole-of-government approach for the State's contribution to implementing the Queensland Plan.

Clause 8(2) specifies that the government response must state the strategic direction for the State's contribution to implementing the Queensland Plan, and recognise the role of the community, business and industry in achieving the targets established for the key areas under the Queensland Plan.

Clause 8(3) specifies that the government response may state the core outcomes to be achieved by a stated public authority, require a particular strategy or action to be taken by a stated public authority, and state the timeframe within which an outcome is to be achieved or a strategy or action is to be taken.

The Committee identified that some local governments' priorities or community needs may not align with the outcomes intended in the Queensland Plan and that the requirement for a particular strategy to be achieved could in fact conflict with the immediate needs of a community. The LGAQ also noted:

There are 77 local governments in Queensland ranging from Brisbane in the south-east corner to Mornington Island in the north-west and to Bulloo shire in the south-west. This diversity must be recognised and there should not be a prescribed or regulated requirement as to how each of them should respond.²⁹

The Committee queried whether the Queensland Plan had sufficient scope to address these local needs. The department explained that some local government and stakeholders have already included goals which align to the Queensland Plan within their local regions. The department provided examples including that of Rockhampton Regional Council '*Rockhampton Region ... We Can!*' which included goals at their local level as well as outlining how each of those goals aligns to the Queensland Plan.³⁰ Charters Towers Regional Council also submitted their support and indicated their intention to amend their corporate plan to reflect the outcomes in achieving the Queensland Plan as they relate to their Regional Council area.³¹

²⁸ Mr Moore, Public Hearing Transcript 30 September 2014: 7

²⁹ Mr Hoffman, Public Hearing Transcript 30 September 2014: 3

³⁰ Ms Neale, Public Briefing Transcript 10 September 2014: 3

³¹ Submission 15

The Committee received submissions from a number of universities who articulate their concerns that although Queensland universities are created and bound by state legislation, they are predominantly funded by the Commonwealth, and that obligations from such funding may be in conflict with the Bill's objectives once enacted. Griffith University stated:

Our various legislation sets out the responsibilities for universities as teaching and research institutions. It does not talk about any responsibility for state programs as such although we, of course, report to the state through the Minister for Education to the parliament. We do not run any programs for the state. We are not paid by the state to do so and, therefore, we do not report to the state other than about the things to do with education and research. Yet the legislation appears to bind all statutory bodies to report against the objects of the plan.³²

QUT explained that the provisions should not apply to universities because of the autonomous nature of university academic operations, and the particular nature of universities that extend into independent activities at national and international level.³³ They added:

Autonomy is one issue. The other issue is the diversity of the university's activities - state, national and international - and the diversity of our funding, of which I think only three per cent of that comes from the state government. We also have a very large international student body with requirements from their funding bodies, which could be sponsors, AusAID et cetera.³⁴

Griffith University also advised the Committee that their autonomy is built into the legislation that governs them.³⁵

The department explained that the Bill is not intended to impact on the independence nor is it intended to direct universities to undertake a particular strategy or action as part of the Government response.³⁶

Griffith University advised the Committee that clause 8(3) may in fact add to rather than reduce the regulatory burden of universities.³⁷ They added that reporting on the objects of the Queensland Plan in addition to their existing reporting requirements would be a 'significant step up in reporting requirements'.³⁸ The University of Queensland also outlined their concerns about the reporting burden.³⁹ The department explained that the no new reporting requirements are imposed and universities can choose how they respond to the requirements of the Queensland Plan.⁴⁰

The Committee asked if the universities considered the department's response satisfactory or if their concerns were alleviated. QUT explained:

I think if you looked at the part of the act that says we must state the core outcomes to be achieved by a stated public authority, that is not actually giving you the flexibility that you have just talked about.⁴¹

³² Mr Hogan, Public Hearing Transcript 30 September 2014: 2

³³ Submission 11

³⁴ Professor Dickenson, Public Hearing Transcript 30 September 2014: 2

³⁵ Mr Hogan, Public Hearing Transcript 30 September 2014: 6

³⁶ Correspondence from Deputy Director-General Special Projects, Department of Premier and Cabinet, to FAC dated 25 September 2014: 5

³⁷ Submission 8: 1

³⁸ Mr Hogan, Public Hearing Transcript 30 September 2014: 4

³⁹ Submission 12

⁴⁰ Correspondence from Deputy Director-General Special Projects, Department of Premier and Cabinet, to FAC dated 25 September 2014: 6

⁴¹ Professor Dickenson, Public Hearing Transcript 30 September 2014: 7

Griffith University added that the word ‘*must*’ appears throughout the legislation and that ‘*it is a very clear indication of what is required*’.⁴² Griffith University added:

*There is one way perhaps, and it is to do with the way that bodies act as the agents of the state to do certain things. Clearly universities act to do things that the state likes to do, like educating children within the state, but we do not actually act as the agents of the state and are not paid by the state to do things on behalf of the state, so perhaps that is the kind of criterion that one might apply.*⁴³

3.3.2 Committee comments

The Committee received submissions which outlined concerns that the Bill, once enacted, would add to administrative and reporting processes for both local government and Queensland universities. Although the department has noted that the Bill is not intended to direct universities to undertake strategy or action as part of the Government response to the Queensland Plan, the wording in the Bill has caused some uncertainty as to their obligations as set out at present.

The Committee notes that the wording in this clause may also result in additional regulatory burden on all parties including universities, statutory bodies and local governments. The Committee considers that these concerns should be noted and that the intention of the Bill to not direct parties to undertake particular strategies or actions could be further clarified.

The Committee acknowledges the department’s assurances that the Bill is not intended to impact on the independence of organisations and that these organisations retain full discretion in how they formulate their response to the Queensland Plan in their own corporate plans.

Recommendation 2

The Committee recommends that legislative assurances be provided to ensure there is flexibility in how the core outcomes are to be achieved by authorities such as local governments and universities.

3.3.3 Clause 9 – Promotion of the Queensland Plan

Clause 9 – Promotion of the Queensland Plan

Clause 9(1) specifies that a Minister whose principal ministerial responsibilities include a key area under the Queensland Plan must promote awareness of the key area within the community, business and industry. The Minister must also encourage the community, business and industry, in carrying out their activities, to have regard to the key area, and the targets established by the Queensland Plan for the key area.

Clause 9(2) specifies that in this section ‘principal ministerial responsibility’ for a Minister means the public business of the State for which the Minister is given responsibility under administrative arrangements made under section 44 of the *Constitution of Queensland 2001*.

The department advised that the implementation of the Queensland Plan also rests with Ministers to promote awareness of the Queensland Plan within their community. Accordingly, Ministers are required to encourage their community, business and industry to have regard to a specific key area and/or targets established by the Queensland Plan when carrying out their activities. The department also advised that no additional legislation would be required in any of the key areas under the respective Ministers’ responsibilities or departments.⁴⁴

⁴² Mr Hogan, Public Hearing Transcript 30 September 2014: 7

⁴³ Mr Hogan, Public Hearing Transcript 30 September 2014: 8

⁴⁴ Ms Neale, Public Briefing Transcript 10 September 2014: 4

3.3.4 Clause 10 – Policy, program and service alignment with government response

Clause 10 – Policy, program and service alignment with government response

Clause 10 specifies that the chief executive of a public authority must ensure the authority's policies and programs, and the services delivered by the public authority, are consistent with the strategic direction of the government response to the Queensland Plan.

The Committee received several submissions that expressed concerns with application of this clause and the potential impact on the independence of those organisations. For example, the Queensland Ombudsman stated:

... the Queensland Ombudsman is an officer of the Parliament, with specific operational separation from the executive arm of government. The Ombudsman Act 2001 provides specific provisions to prohibit persons from directing me in how my office will function or how the work of the office is undertaken.

Therefore, I am concerned that certain provisions in the Queensland Plan Bill 2014 are in conflict with the Ombudsman Act 2001 and would, if enacted, have the potential to diminish the independence of my Office.⁴⁵

The Health Ombudsman also expressed concerns that the clause, together with Clauses 8 and 13 are inconsistent with section 28(2) of the *Health Ombudsman Act 2013*.⁴⁶ The Health Ombudsman added that his role is not subjected to direction, other than '*limited ministerial direction in relation to investigations into a number of matters*'.⁴⁷ He recommended that those clauses be amended to exclude statutory bodies and statutory office holders such as theirs.⁴⁸

Similarly, the Auditor-General explained:

In my opinion applying the requirements of the Bill to the QAO would be inappropriate as they impact on the independence of the Auditor-General and the QAO. In particular the requirement in clause 10 of the Bill to ensure policies, programs and services are consistent with the government response to the Queensland Plan is inconsistent with the discretion and autonomy provided to the Auditor-General in the Auditor-General Act 2009.⁴⁹

The QAO's autonomy is outlined in the Auditor-General Act 2009 as follows:⁵⁰

Section 8 – Auditor-general not subject to direction

- (1) The auditor-general is not subject to direction by any person about -
- (a) the way in which the auditor-general's powers in relation to audit are to be exercised; or
 - (b) the priority to be given to audit matters.
- (2) Subsection (1) applies despite the Public Service Act 2008.

The Auditor-General raised concerns about clause 10 as '*any limitations on the independence of Auditors-General, real or perceived, diminishes the level of assurance that Parliament obtains from their work*'.⁵¹

⁴⁵ Submission 14

⁴⁶ Submission 6: 1

⁴⁷ Mr Atkinson-MacEwen, Public Hearing Transcript 30 September 2014: 3

⁴⁸ Submission 6: 2

⁴⁹ Submission 3: 1

⁵⁰ *Auditor-General Act 2009*, sections 8 (1) and 8 (2)

⁵¹ Submission 3: 2

The Auditor-General added:

*You are aware in my act that there is a prohibition on me, for example, questioning the merits of government policy. It seems to me, therefore, that I should also not necessarily explicitly or tacitly support government policy. So I should neither be in favour nor against the plan, but by including me in these arrangements there could be an inference that I am supporting the government's objectives. So that is my general concern with the bill as it is currently structured.*⁵²

The Queensland Ombudsman recommended that a specific provision be inserted into Parts 3 and 4 of the Bill. He stated:

*Given my functions under the Ombudsman Act 2001, I submit that it would be appropriate for my Office to be excluded from the arrangements contemplated by Parts 3 and 4 of the Bill. This may be achieved by inserting a specific provision within the Bill to exclude both the position of Ombudsman and the office from the application of the Bill.*⁵³

The Committee queried whether there could be an alternative to an exemption. The Health Ombudsman stated that the easiest approach could be to have some form of exemption or clarification around the independent statutory officers.⁵⁴

The department explained that the independence and autonomy of those offices are not impacted by the intent of the Bill. The department added that as the non-prescriptive nature of the Bill allows for universities to determine how they discharge their responsibility.⁵⁵

3.3.5 Committee comments

The Committee remains concerned that this section may have implications for independent statutory officers, who are required to be independent and whose work is not subjected to direction. The Committee considers that statutory officers and organisations whose independence is outlined in their respective Acts continue to maintain their independence and not be impeded by the Bill.

Recommendation 3

The Committee recommends that independent statutory officers and other organisations, whose independence is outlined in other legislation, be provided with assurance, through additional clauses, that the Bill does not impede their independence.

3.3.6 Clause 11 – Preparation of corporate plans

Clause 11 – Preparation of corporate plans

Clause 11(1) specifies that this section applies to a local government preparing a corporate plan.

Clause 11(2) specifies that a local government must have regard to the Queensland Plan in deciding the following matters for the corporate plan:

- the local government's strategic direction; and
- performance indicators for measuring the local government's progress in achieving its vision for the future of the local government area.

⁵² Mr Greaves, Public Hearing Transcript 30 September 2014: 3

⁵³ Submission 14

⁵⁴ Mr Atkinson-MacEwen, Public Hearing Transcript 30 September 2014: 5

⁵⁵ Correspondence from Deputy Director-General Special Projects, Department of Premier and Cabinet, to FAC dated 25 September 2014: 8

The Committee noted that the needs of each local government area were different, which could result in their strategic direction being in conflict with the Queensland Plan. The department advised the Committee that corporate planning of local governments take into account targets of the Queensland Plan and that there are examples of where this was already occurring. The department explained that one stakeholder, the Property Council of Australia had already released a document '*Building a Prosperous Queensland*' whose goals are aligned to that in the Queensland Plan.⁵⁶

The Sunshine Coast Regional Council submitted that they had no particular objection and stated:

*...noting that local governments retain full discretion in formulating their corporate plans to determine arrangements which each council considers desirable and appropriate responses to the Queensland Plan.*⁵⁷

The QAO considers that the term 'must have regard to' is not presently defined in the Bill and considers that the term could be interpreted as '*you will*'.⁵⁸ The QAO provided an example where the term is used in the financial accountability legislation and exemplified section 43(1) of the FPMS:⁵⁹

Section 43 – Preparation of annual financial statements of statutory bodies⁶⁰

(1) A statutory body must prepare its annual financial statements for each financial year having regard to the minimum reporting requirements mentioned in the document called 'Financial reporting requirements for Queensland Government agencies' published by the treasury department.

The Auditor-General advised that this requirement is also outlined in the QTT's *Financial Reporting Requirements (FRRs) for Queensland Government Agencies* which stipulates:

*Each statutory body must have regard to the requirements in the Minimum Reporting Requirements (Part B), and the general form and content of the applicable model financial statements.*⁶¹

The Auditor-General's submission emphasised:

*It is commonly accepted that s.43 should be read as a requirement for statutory bodies to comply with the FRRs unless the requirements are either not relevant to the authority's circumstances or are not otherwise intended to apply to the authority.*⁶²

The Auditor-General suggested that including a definition for the term 'must have regard to' or varying the wording used would assist in providing some clarity and ensuring greater consistency in the interpretation and application of the requirements.⁶³

The LGAQ expressed concerns that a one-size-fits-all approach or prescription in the legislation may create an environment where the relationship between State and local governments could be determined by how well a local government respond to delivering outcomes of the Queensland Plan.⁶⁴

⁵⁶ Ms Neale, Public Briefing Transcript 10 September 2014: 3-4

⁵⁷ Submission 4: 1

⁵⁸ Mr Greaves, Public Hearing Transcript 30 September 2014: 5

⁵⁹ Submission 3: 2

⁶⁰ *Financial and Performance Management Standard 2009*, section 43 (1)

⁶¹ Queensland Treasury and Trade, *Financial Reporting Requirements for Queensland Government Agencies*, May 2014

<http://www.treasury.qld.gov.au/office/knowledge/docs/fin-reporting-req/fr-part-b-reporting.pdf?version=2014> [18 September 2014]

⁶² Submission 3: 2

⁶³ Submission 3: 3

⁶⁴ Mr Hoffman, Public Hearing Transcript 30 September 2014: 6

The LGAQ also considered that as there will be a requirement for inclusion in council's annual report as to what it has done in actioning the Queensland Plan, there may be additional auditing by the QAO. They stated:

...to what extent the Auditor-General then looks at the extent to which regard has been had and how appropriate or comprehensive or not that has been and similarly what is the nature in the annual report. I put that on notice if needs be for consideration, but it does raise the question to the extent to which the audit process looks at what has been done to meet those requirements.⁶⁵

The department explained that the term 'have regard to' was not intended to be prescriptive allowing local governments to work within their scope to contribute to the delivery of the Queensland Plan.⁶⁶

3.4 Part 4 Reporting requirements

3.4.1 Clauses 12 to 14

Clause 12 – Annual progress report – Premier

Clause 12(1) specifies that the Premier must prepare a report for each financial year on the progress made during that financial year to implement the Queensland Plan.

Clause 12(2) specifies that in preparing the report the Premier must consult with the ambassadors council.

Clause 12(3) and that the Premier must table a copy of the report for a financial year in the Legislative Assembly by 30 November in the following financial year.

Clause 13 – Annual report – public authorities

Clause 13 specifies that the chief executive of a public authority must ensure the public authority's annual report for each financial year includes a statement about the authority's progress during the financial year, in developing policies and programs and delivering services consistent with the strategic direction of the government response to the Queensland Plan.

Clause 14 - Annual report – local governments

Clause 14 specifies that a local government's annual report for each financial year must include a statement about the local government's actions, during the financial year, in relation to matters in its corporate plan, that relate to the Queensland Plan.

The Committee sought clarification on the scope and purpose of the annual reports. The department explained that the annual report would include action to implement the Queensland Plan. They stated:

It would look at the activities of public authorities, it would look at the actions undertaken by local governments, it would look at actions by the community, business and industry and at ambassadors council activities et cetera. It would also provide an update on progress towards the targets that are listed in the current plan. There are a number of measures associated with each target and it would provide further detail there.⁶⁷

⁶⁵ Mr Hoffman, Public Hearing Transcript 30 September 2014: 6

⁶⁶ Correspondence from Deputy Director-General Special Projects, Department of Premier and Cabinet, to FAC dated 25 September 2014: 8

⁶⁷ Ms Neale, Public Briefing Transcript 10 September 2014: 3

The Committee queried what the measured outcomes and targets are in the Queensland Plan. The department explained that *'the current version of the Queensland Plan has nine foundation areas and each foundation area has targets'*. They stated:

*There are 20 targets in total and they have associated measures. Each of those measures has a demonstrated baseline or an intention to develop a baseline.*⁶⁸

The department also outlined that it would be their responsibility to monitor the progress against baseline information.⁶⁹

Clause 14 specifies that a local government's annual report for each financial year must include a statement about the local government's actions, during the financial year, in relation to matters in its corporate plan, that relate to the Queensland Plan. The Committee received submissions from several local governments which indicated that they had no objection to this provision.⁷⁰ The LGAQ advised:

*... local governments will be able to reasonably manage these arrangements on the basis—and I stress—that both of the requirements set out in clauses 13 and 17 are left to the discretion of each individual council and are not prescribed in regulation. That is, councils must be left to choose a fit-for-purpose arrangement that reflects their individual circumstances and capacity to respond to the plan's foundation areas.*⁷¹

The Committee received a submission that outlined concerns over the disconnect in timing between the release of councils' annual reports and the Queensland Plan annual reporting date. The LGAQ stated:

*Council annual reports cannot be finalised until they receive their audited financial statements from the Auditor-General, which typically occurs at the earliest in September but often stretches into the next calendar year. To avoid extra red tape by way of additional reporting for the 77 councils, we have proposed instead that the government consider shifting the date on which the Premier must table his report in the Legislative Assembly to the following February.*⁷²

The department explained:

*To address this issue, rather than increasing the regulatory burden administrative steps will be taken to directly gather the necessary information from councils.*⁷³

The Committee heard that reporting requirements may add to administrative burden or become too onerous particularly for some smaller local government authorities. The Committee received a submission from RDA FNQ&TS which identified that there are differing capacities within local governments across the state.⁷⁴ The RDA FNQ&TS emphasised that the provision of support, guidance and resourcing to support local governments was important in delivering on the outcomes of the Queensland Plan.⁷⁵

⁶⁸ Ms Neale, Public Briefing Transcript 10 September 2014: 5

⁶⁹ Ms Neale, Public Briefing Transcript 10 September 2014: 5

⁷⁰ Submissions 1, 2, 4, 9, 15

⁷¹ Mr Hoffman, Public Hearing Transcript 30 September 2014: 3

⁷² Mr Hoffman, Public Hearing Transcript 30 September 2014: 3

⁷³ Dr Ward, Public Briefing Transcript 10 September 2014: 2

⁷⁴ Submission 7: 1

⁷⁵ Submission 7: 1

The Committee queried whether additional assistance or resourcing would be provided to smaller councils to assist with their delivery on an agreed outcome of the Queensland Plan. The department advised that Clause 11 outlines that local governments have regard to the Queensland Plan and they could determine how they could implement outcomes within their community.⁷⁶

The department explained that they have, where possible, incorporated 'existing' processes or reporting requirements. Therefore, it is hoped that the requirements for the Queensland Plan would only be a minimal additional burden. The department also reported that their testing of the proposal with a variety of local governments has shown that there is support for the use of existing reporting mechanisms.⁷⁷

The South Burnett Regional Council's submission outlined that no separate reporting process will be required with respect to the strategic directions related with the Queensland Plan. They explained:

*... the requirement for local government in preparing its five-year corporate plan in accordance with the requirements of the Local Government Regulation 2012, to have regard to the strategic direction of the Queensland Plan and to report annually on their performance in achieving these strategic direction be considered as an inherent part of the each local government's corporate plan development, monitoring and reporting process.*⁷⁸

The department explained that while there was strong agreement in areas of the Queensland Plan, there was equally strong agreement on how those goals could be achieved in different areas. They stated:

*So it would be a matter of future consultation and discussion as part of the normal process of government engagement between levels of government and with the community.*⁷⁹

The department added that local governments could choose how they take into consideration the Queensland Plan within their local community.⁸⁰

The Committee was also advised that there would be no penalties for non-compliance with the Queensland Plan and that there are no sanctions or penalties built into the legislation. The department explained that the role of ministers and members of the Ambassadors Council was to act as advocates within their local community. The department emphasised that it is not the intention of the legislation to penalise for 'non-compliance' but it was to ensure councils 'have regard to' the Queensland Plan in their planning.⁸¹

3.4.2 Committee comments

The Committee notes that under the Local Government Act, local governments' annual reports are required to be tabled by 30 November each year. The Committee understands that existing local government processes in their annual reporting will be used rather than impose additional administrative burden.

The Committee considers that monitoring the process for obtaining the information and how local governments were able to meet their commitments should be undertaken by the department collecting the information.

⁷⁶ Ms Neale, Public Briefing Transcript 10 September 2014: 6

⁷⁷ Ms Neale, Public Briefing Transcript 10 September 2014: 6

⁷⁸ Submission 9

⁷⁹ Ms Neale, Public Briefing Transcript 10 September 2014: 7

⁸⁰ Ms Neale, Public Briefing Transcript 10 September 2014: 6

⁸¹ Dr Ward, Public Briefing Transcript 10 September 2014: 7

The analysis should include information such as:

- what existing processes or information were obtained;
- how local governments were able to achieve compliance;
- the time taken by local governments to provide the information;
- whether additional resources were required by local governments in order to provide the information in a timely manner; and
- any administrative burden reported by local government.

The Committee considers that the department should report the results of this analysis subsequent to the conclusion of the first annual report process.

Recommendation 4

The Committee recommends that the department analyse and report on the process for completion of the annual report on the Queensland Plan.

3.5 Part 6 – Queensland Plan Ambassadors Council

3.5.1 Clauses 19 to 21

Clause 19 – Establishment

Clause 19 specifies that the Queensland Plan Ambassadors Council is established.

Clause 20 – Functions

Clause 20 specifies that the ambassadors council has the following functions:

- to promote awareness, and advocate for the implementation, of the Queensland Plan within the community, business and industry;
- to advise the Premier on matters relating to the implementation of the Queensland Plan.

Clause 21 – Premier may give directions

Clause 21(1) specifies that the Premier may give the ambassadors council directions in relation to the performance of its functions.

Clause 21(2) specifies that the ambassadors council must perform its functions subject to the general direction and control of the Premier, and any specific written directions given to it by the Premier.

Clause 21(3) specifies that, without limiting any specific written direction given to the ambassadors council by the Premier under section 21(2)(b), a direction may require the ambassadors council to give the Premier, or provide the Premier with access to, information in its possession about a matter stated in the direction.

The department explained that the role of the each Ambassador is to advocate broadly to the community, business and industry. They stated:

...each ambassador would have their own networks and touch points, if you like, in terms of both professional and personal networks with whom they would raise awareness about the plan and encourage its implementation for organisations to have regard to it and to be aware of it and what it means to them and how they might contribute. It would be a different approach I would suspect for each particular ambassador. Collectively they would cover a broad range of stakeholders across the state.⁸²

⁸² Ms Neale, Public Briefing Transcript, 10 September 2014: 6

The Committee asked the department what they envisage the Ambassadors to be doing in advocating for the Queensland Plan. The department stated that the Ambassadors' role would be to build an understanding of the goals and aims of the Queensland Plan. The department also advised:

... it might be to reflect the goals in the Queensland Plan that relate to increasing community connection or to support intergenerational connections as well or to reflect how some of the community elders et cetera can pass on knowledge or it might be an opportunity for people to connect in different ways or to find new opportunities about different businesses and so forth.⁸³

The Committee was advised that the meetings of the Ambassadors Council would most likely be 'brainstorming' sessions on how to implement and promote the Queensland Plan to their community.⁸⁴

Clause 21(1) specifies that the Premier may give the ambassadors council directions in relation to the performance of its functions. The LGAQ advised that in the consultation stage, they sought clarity on this clause as they had some concerns whether that direction related to the council's performance of its functions or whether it broadly related to other matters. The department advised that the wording in the Bill has since been amended to more accurately reflect the intent that the Premier's direction is to relate to the performance of the council's functions.⁸⁵ The FDA FNQ&TS also commented on the absence of clear direction for how the Ambassadors Council will track implementation progress of the Queensland Plan for their annual report.⁸⁶

3.5.2 Clause 22 and Clause 23

Clause 22 – Appointment of members

Clause 22(1) specifies that the ambassadors council is to consist of not more than 15 members appointed by the Premier.

Clause 22(2) specifies that in making an appointment, the Premier must have regard to the desirability of the members collectively representing the community, business or industry, and regional Queensland.

Clause 23 – Eligibility for appointment

Clause 23(1) specifies that a person is eligible for appointment as a member of the ambassadors council only if the Premier is satisfied the person:

- represents one or more of the community, business or industry, and regional Queensland; and
- the person has the ability to promote the vision established by the Queensland Plan for the future of Queensland.

Clause 23(2) specifies, however, that a person is not eligible for appointment as a member of the ambassadors council if the person is:

- an insolvent under administration, as defined in section 9 of the *Corporations Act 2001 (Cth)*; or
- is disqualified from managing corporations under the Corporations Act, part 2D.6; or
- has been convicted of an indictable offence.

⁸³ Ms Neale, Public Briefing Transcript 10 September 2014: 8

⁸⁴ Ms Neale, Public Briefing Transcript 10 September 2014: 8

⁸⁵ Ms Neale, Public Briefing Transcript 10 September 2014: 5

⁸⁶ Submission 7: 2

Members of the Ambassadors Council are community members representing a range of sectors and regions.⁸⁷ Current members of the Ambassadors Council are:

- Mr Andrew Chesterman (Chair), Commission Chief Executive, Public Service Commission
- Ms Jordyn Archer, Founder, Destiny Rescue Australia
- Mr Joel Buchholz, Principal, Pioneer State High School, Mackay
- Professor John Cole, Executive Director, Institute of Resilient Regions, University of Southern Queensland
- Councillor Margaret de Wit, President, LGAQ
- Professor Ian Frazer, CEO and Director, Research of Translational Research Institute (TRI) Pty Ltd
- Ms Joanne Grainger, President, Queensland Farmers Federation
- Mr Daniel Gschwind, CEO, Queensland Tourism Industry Council (QTIC)
- Mr Mark Henley, CEO, Queensland Council of Social Service (QCOSS)
- Professor Peter Hoj, Vice-Chancellor and President, University of Queensland
- Ms Kathy Mac Dermott, Executive Director, Queensland Division of the Property Council of Australia
- Councillor Tony McGrady, Mayor, Mount Isa City Council
- Ms Karen Tully, Chair of the South West Rural Financial Counselling Service and Rural Solutions Queensland
- Ms Laura Tyler, Vice-President, Queensland Resources Council
- Mr Leon Yeatman, CEO, Mapoon Aboriginal Shire Council.⁸⁸

The department explained that members of the Ambassadors Council are appointed to the role on a part-time basis. Members are not remunerated because members of advisory bodies are not remunerated, however the department advised that this will be assessed and recommendations will be made on a case-by-case basis. Any expenses incurred in their role in advocating the Queensland Plan would be reimbursed.⁸⁹

The Sunshine Coast Regional Council outlined that as local governments provide a direct linkage to community views, a local government representative ought to be included as a member of the Ambassadors Council.⁹⁰ The Ambassadors Council currently comprises of three local government representatives who have been appointed for a period of up to five years.

⁸⁷ Qld Government, The Queensland Plan <http://queenslandplan.qld.gov.au/delivering-the-plan/ambassadors.aspx> [1 October 2014]

⁸⁸ Qld Government, The Queensland Plan Ambassadors <http://queenslandplan.qld.gov.au/delivering-the-plan/ambassadors.aspx> [1 October 2014]

⁸⁹ Ms Neale, Public Briefing Transcript 10 September 2014: 8

⁹⁰ Submission 4: 2

The Committee sought further clarification on the appointment of the members of the Ambassadors Council. The department explained:

*There are clauses in the bill that outline the criteria upon which the selection of the ambassadors is to be made. So they are to represent the community, business or industry and regional Queensland. To be appointed you would need to reflect one or more of those criteria and also have the ability to promote the Queensland Plan as a long-term vision for Queensland.*⁹¹

The RDA FNQ&TS considered that remotely based Ambassadors be provided with access to resources and support to effectively promote the uptake of the Queensland Plan.⁹² The department outlined that any allowances will be provided in accordance with the government's *Remuneration Procedures for part-time chairs and members of Queensland Government bodies*.⁹³

The Committee queried what mechanisms will be used in the process of the Ambassadors Council's work. The department explained that members of the Ambassadors Council have no specific KPIs but minutes of their meetings are provided to the Premier and they would participate in the annual progress report process.⁹⁴

PHAA expressed their regret that they had not been previously involved in the process for the Queensland Plan. They advised the Committee:

*The process for the Queensland Plan has been obviously quite extensive, and I regret that the Public Health Association did not buy in earlier. I do not think that is a fault in the process; I think that is more a fault on our part.*⁹⁵

The RDA FNQ&TS however directly participated through the Mackay and Brisbane Summits as a delegate of the Member for Cairns and made a submission to the draft Queensland Plan.⁹⁶

3.5.3 Committee comments

The Committee notes that wider consultation throughout the community may be beneficial in achieving the goals of the Queensland Plan and that the Ambassadors Council may be limited in their ability to advocate broadly. The Committee considers that some peak bodies and/or groups may be inadvertently excluded.

Recommendation 5

The Committee recommends that the government continues to directly consult with the community in addition to the Ambassadors Council, on the Queensland Plan.

3.5.4 Clause 28 – Grounds for termination of appointment

Clause 28 outlines that the Premier may terminate the appointment of an Ambassadors Council member if the Premier is satisfied the member has been guilty of misconduct or incapable of performing their duties or has neglected or performed the duties incompetently.

⁹¹ Ms Neale, Public Briefing Transcript 10 September 2014: 8

⁹² Submission 7: 2

⁹³ Correspondence from Deputy Director-General Special Projects, Department of Premier and Cabinet, to FAC dated 25 September 2014: 5

⁹⁴ Ms Neale, Public Briefing Transcript 10 September 2014: 8

⁹⁵ Mr Moore, Public Hearing Transcript 30 September 2014: 5

⁹⁶ Submission 7: 1

The Committee sought advice from the department on the definition of ‘misconduct’ as the dictionary in the Bill does not define ‘misconduct’. The department noted that the Bill does not include the definition and explained:

*Accordingly, the word will be given its ordinary or natural meaning, subject, of course, to the general principle of statutory interpretation that an Act must be read as a whole.*⁹⁷

The department added that the omission of definition of ‘misconduct’ from the *Crime and Corruption Act 2001* does not affect the meaning of the word as used in the Queensland Plan Bill.⁹⁸

3.6 Schedule 1 – Principles for the Queensland Plan

Schedule 1 Part 7 states that the implementation of the Queensland Plan, including the achievement of targets established by the plan for the key areas under the plan, is the joint responsibility of the State, local governments and the community, business and industry.

The Brisbane City Council highlighted their concerns about the term ‘joint responsibility’. They noted that the term ‘*could be interpreted as a possible legal obligation on Council to deliver all of the Queensland Plan in partnership with the State when there is not such obligation anywhere else in the Bill to that effect*’.⁹⁹ The department explained that the term ‘joint responsibility’ does not create a legal obligation for local government.¹⁰⁰

The Sunshine Coast Regional Council noted that the clause is ‘*potentially inconsistent with the language in Clause 3 which seeks to encourage commitment by government, business, industry and the community to the aspirations articulated through the Queensland Plan*’.¹⁰¹

The Sunshine Coast Regional Council considers the clause unnecessary and should be removed for the following reasons:

- 1. There are reporting obligations already established throughout the Bill which ensure a level of accountability of the State and local governments in respect of the implementation of the Queensland Plan; and*
- 2. Clause 20(b) of the Bill already provides for the Ambassadors Council to provide advice to the Premier on matters relating to the implementation of the Queensland Plan.*

Alternatively, the clause could be ‘*amended to out beyond doubt that it is the responsibility of each party to determine the application of their responsibility in the context of implementing the Queensland Plan*’.¹⁰²

⁹⁷ Correspondence from Executive Director, Department of Premier and Cabinet, to FAC dated 15 September 2014: 2

⁹⁸ Correspondence from Executive Director, Department of Premier and Cabinet, to FAC dated 15 September 2014: 2

⁹⁹ Submission 1: 1

¹⁰⁰ Correspondence from Deputy Director-General Special Projects, Department of Premier and Cabinet, to FAC dated 25 September 2014:1

¹⁰¹ Submission 4: 1

¹⁰² Submission 4: 2

The Committee sought further clarification on the wording of that section and queried whether this has been addressed by the department. The department explained that the issue has been considered, and that the delivery of the Queensland Plan is the collective responsibility across all sectors of the community. The department added:

Therefore, it is our understanding that the joint responsibility principle does not create a legal obligation for local government.¹⁰³

3.7 Committee comments

The Committee considers that the wording of part 7 of Schedule 1 may have unintended implications or impact on local governments and/or other statutory bodies such as the QAO. The Committee acknowledges that despite the intention of the Bill to promote joint responsibility across all sectors of the community, the wording in this section has inadvertently caused confusion and apprehension that the intention is to enforce the Plan's requirements onto all parties. The Committee understands that in this context, there is no legal obligation for all parties to incorporate targets or goals outlined in the Queensland Plan.

Recommendation 6

The Committee recommends that the Minister provide comment on how the joint responsibility principle included in Schedule 1 does not create a legal obligation for local governments.

¹⁰³ Ms Neale, Public Briefing Transcript 10 September 2014: 6

4 Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* states that FLPs are the ‘principles relating to legislation that underlie a parliamentary democracy based on the rule of law’. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals, and
- the institution of parliament.

The Committee examined the Bill’s consistency with FLPs. This section of the report discusses potential breaches of the FLPs identified during the Committee’s examination of the Bill and includes any reasons or justifications contained in the explanatory notes and provided by the department.

It is considered that this Bill is consistent with fundamental legislative principles. No breaches of fundamental legislative principles were identified.

4.1 Consistency with fundamental legislative principles

Section 23(1)(f) of the *Legislative Standards Act 1992* requires Explanatory Notes to contain, *inter alia*, a brief assessment of the consistency of the Bill with fundamental legislative principles (FLPs) and, if it is inconsistent with fundamental legislative principles, the reasons for the inconsistency.

The Explanatory Notes accompanying the Bill state:

This Bill has been examined for compliance with the fundamental legislative principles outlined in section 4 of the Legislative Standards Act 1992.

4.2 Committee comments

The Committee considers that noting that a Bill has been ‘examined for compliance’ is arguably not the same as making an assessment of compliance in that examining for compliance and making an assessment determination that it is non-compliant.

The reader is left to presume that the ‘examination for compliance’ concluded that it was compliant, reinforced by the absence of any suggestion of it being non-compliant/inconsistent with FLPs.

The Committee considers that when preparing explanatory notes, departments should articulate the results of any examination of FLPs.

Appendices

Appendix A – List of Submissions

Sub #	Submitter
1	Brisbane City Council
2	Mackay Regional Council
3	Queensland Audit Office
4	Sunshine Coast Regional Council
5	Diabetes Queensland
6	Office of the Health Ombudsman
7	Regional Development Australia Far North Queensland and Torres Straits Inc
8	Griffith University
9	South Burnett Regional Council
10	Public Health Association of Australia
11	Queensland University of Technology (QUT)
12	The University of Queensland
13	Local Government Association of Queensland
14	Queensland Ombudsman
15	Charters Towers Regional Council

**Appendix B – Officers appearing on behalf of the department at public departmental briefing –
Wednesday 10 September 2014**

Witnesses
Dr Gary Ward, Executive Director, Strategic Policy, Department of Premier and Cabinet
Ms Natasha Neale, Director, <i>The Queensland Plan</i> , Department of Premier and Cabinet

Appendix C – Witnesses appearing at public hearing – Tuesday 30 September 2014

Witnesses
Mr Leon Atkinson-MacEwen, Health Ombudsman, Office of the Health Ombudsman
Mr Michael Booth, Assistant Auditor-General Audit Policy and Standards, Queensland Audit Office
Professor Carol Dickenson, Senior Deputy Vice-Chancellor, Queensland University of Technology
Dr Paul Gardiner, President, Queensland Branch, Public Health Association of Australia
Mr Andrew Greaves, Auditor-General, Queensland Audit Office
Mr Greg Hoffman PSM, General Manager, Advocacy, Local Government Association of Queensland
Mr Terry Hogan, Principal Policy Advisor to the Vice Chancellor, Griffith University
Mr Michael Moore, CEO, Public Health Association of Australia
Ms Alison Shirra, Executive Officer to the Registrar, Queensland University of Technology
Ms Simone Talbot, Manager, Infrastructure, Economics and Regional Development, Local Government Association of Queensland

Dissenting Report

CURTIS PITT MP

SHADOW TREASURER AND SHADOW MINISTER FOR TRADE

SHADOW MINISTER FOR ENERGY AND WATER SUPPLY

SHADOW MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER PARTNERSHIPS

MEMBER FOR MULGRAVE

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10 October 2014

Mr Steve Davis MP
Chairperson
Finance and Administration Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Davis

Re: - Queensland Plan Bill 2014- Dissenting Report

I wish to notify the committee of my reservations about aspects of Report No. 51 of the Finance and Administration Committee into the *Queensland Plan Bill 2014*.

I am disappointed that the Government has sought to link its 'Strong Choices' asset privatisation program to the targets of the Queensland Plan, as outlined in the Government's response to the Queensland Plan. I reject the Government's 'Strong Choices' plan and reject the premise that all of the Queenslanders who participated in the Queensland Plan were made aware that the government intended that asset privatisations and leasing would be required to meet these targets.

The Committee also heard other concerns from stakeholders that includes:

- University representatives state the requirement for universities to include in their annual reports, compliance to the strategic direction of Queensland Plan, are describing the requirement as red tape and unnecessary. They prefer to work in partnership with governments and other stakeholders.
- The Health Ombudsman and the Auditor-General do not want to be bound by the legislation because they are, and should be seen to be, independent of government and not seen to be endorsing government policy.
- Questions remain about some local councils' ability to comply with the Queensland Plan annual reporting requirements contained in the Bill.

- The Committee was not able to resolve whether local governments would be legally bound to deliver on parts of the Queensland Plan, even if the plan directly went against the interests of their local communities.

Any further concerns will be outlined during the debate on this Bill.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Pitt'.

Curtis Pitt MP
Member for Mulgrave