



Annual Report 2020-21

Report No. 13, 57th Parliament
State Development and Regional Industries Committee
September 2021

State Development and Regional Industries Committee

| | |
|---------------------|---|
| Chair | Mr Chris Whiting MP, Member for Bancroft |
| Deputy Chair | Mr Jim McDonald MP, Member for Lockyer |
| Members | Mr Michael Hart MP, Member for Burleigh |
| | Mr Robbie Katter MP, Member for Traeger |
| | Mr Jim Madden MP, Member for Ipswich West |
| | Mr Tom Smith MP, Member for Bundaberg |

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Acknowledgements

The committee acknowledges the individuals and organisations who provided their valuable contributions to the work of the committee.

The committee also acknowledges the Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning; the Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities; the Minister for Regional Development and Minister for Water, and departmental officers for their assistance during the reporting period.

The committee also acknowledges the Independent Assessor and officers from the Office of the Independent Assessor for their contributions.

All web address references are current at the time of publication.

Contents

| | |
|--|----------|
| Chair's foreword | 1 |
| 1 State Development and Regional Industries Committee | 2 |
| 2 Annual report | 3 |
| 3 Inquiries and reports | 3 |
| 3.1 Bills | 3 |
| 3.1.1 Report No. 2, 57th Parliament - 2020-21 Budget Estimates | 3 |
| 3.1.2 Report No. 5, 57th Parliament - Nature Conservation and Other Legislation (Indigenous Joint Management - Moreton Island) Amendment Bill 2020 | 4 |
| 3.2 Subordinate legislation | 5 |
| 3.3 Public accounts and Auditor-General Reports | 6 |
| 3.3.1 Auditor-General Report No. 9: 2020-21 – <i>Water 2020</i> | 6 |
| 3.3.2 Report No. 10, 57th Parliament, Examination of Auditor-General Report No. 14: 2019-20 <i>Evaluating major infrastructure projects</i> | 6 |
| 3.3.3 Auditor-General Report No. 17: 2020-21 - <i>Local Government 2020</i> | 7 |
| 3.4 Oversight of the Independent Assessor | 7 |
| 4 Committee expenditure | 8 |
| 5 Meeting attendance record | 9 |

Chair's foreword

This Annual Report sets out the activities undertaken by the State Development and Regional Industries Committee since its establishment on 26 November 2020 to 30 June 2021.

On behalf of the committee, I express our thanks to all those who assisted the committee this reporting period. Input from community, industry and other experts is fundamental to the work of the committee and I thank all those who participated in our inquiries for their valuable contributions.

I also want to use this opportunity to thank my fellow committee members for their continued dedication and collaboration, and the committee's secretariat and parliamentary service staff for their assistance throughout.

A handwritten signature in black ink, reading "C. Whiting". The signature is written in a cursive, flowing style.

Chris Whiting MP

Chair

1 State Development and Regional Industries Committee

The State Development and Regional Industries Committee (committee) is a portfolio committee of the Legislative Assembly, which commenced on 26 November 2020 under the *Parliament of Queensland Act 2001* (PoQA) and the Standing Rules and Orders of the Legislative Assembly.¹

The committee's primary areas of responsibility are:

- State Development, Infrastructure, Local Government and Planning
- Agricultural Industry Development, Fisheries and Rural Communities
- Regional Development, Manufacturing and Water.

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 areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles
- matters arising under the *Human Rights Act 2019* (HRA), and
- for subordinate legislation – its lawfulness.²

Portfolio committees also have responsibility for the scrutiny of public accounts and public works, which relate to their portfolio.³ Committees also consider referrals from the Legislative Assembly and may initiate an Inquiry into any other matter they consider appropriate within their portfolio areas.⁴

This committee also has oversight responsibility for the Independent Assessor, as established under Schedule 6, and in accordance with SO 194A of the Standing Rules and Orders of the Queensland Legislative Assembly.

State Development and Regional Industries Committee of the 57th Parliament (2021)



*Front row (L-R) Mr Michael Hart MP, Mr Chris Whiting MP (Chair), Mr Robbie Katter MP
Back row (L-R) Mr Jim Madden MP, Mr Tom Smith MP, Mr Jim McDonald MP (Deputy Chair)*

¹ *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

² *Parliament of Queensland Act 2001*, s 93; and *Human Rights Act 2019*, ss 39, 40, 41 and 57.

³ *Parliament of Queensland Act 2001*, s 94.

⁴ *Parliament of Queensland Act 2001*, s 92.

2 Annual report

In accordance with section 108 of the *Parliament of Queensland Act 2001*, the committee is required to table an annual report within 4 months and 14 days after the end of each financial year and include:

- a list of meetings of the committee and the names of members attending or absent from each meeting
- a summary of issues considered by the committee, including a description of the more significant issues arising from the considerations
- a statement of the committee's revenue and spending for the year
- a brief description of responses by Ministers to recommendations of the committee.

This report sets out information on each of the above requirements for the period 26 November 2020 to 30 June 2021.

3 Inquiries and reports

This reporting period the committee considered and reported on two bills and 30 items of subordinate legislation; conducted activities relating to three Auditor-General reports; and undertook oversight activities relating to the Office of the Independent Assessor.

Copies of the committee's publications and related inquiry documents are available on the committee's webpage: www.parliament.qld.gov.au/sdric.

3.1 Bills

The committee examined two Bills in accordance with its responsibility under section 93(1) of the *Parliament of Queensland Act 2001*.

3.1.1 Report No. 2, 57th Parliament - 2020-21 Budget Estimates

On 3 December 2020, the estimates in the Appropriation (2020-2021) Bill 2020 for the committee's areas of responsibility were referred to the committee for examination and report.⁵

The committee held a public hearing on 8 December 2020 and took evidence about the proposed expenditure from the:

- Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning
- Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities
- Acting Minister for Regional Development and Manufacturing and Minister for Water.⁶



State Development and Regional Industries Committee
Budget estimates public hearing, 8 December 2020

⁵ Standing Order 177 provides for the automatic referral of the Annual Appropriation Bills to portfolio committees once the Bills have been read a second time.

⁶ The Hon Stephen Miles MP was Acting Minister for Regional Development and Manufacturing and Minister for Water on 8 December 2020.

The committee also questioned a number of Schedule 7 chief executives regarding the estimates for their agencies. Twenty questions on notice were directed to each Minister prior to the hearing and responses were received to each of these questions.

The committee tabled its report and volume of additional information on 12 February 2021 and recommended that the proposed expenditure, as detailed in the Appropriation (2020-2021) Bill 2020 for the committee's areas of responsibility, be agreed to by the Legislative Assembly without amendment. The Appropriation (2020-2021) Bill 2020 was passed without amendment on 24 February 2021.

3.1.2 Report No. 5, 57th Parliament - Nature Conservation and Other Legislation (Indigenous Joint Management - Moreton Island) Amendment Bill 2020

In 2019, the Federal Court of Australia made a native title consent determination recognising the Quandamooka people's native title rights on Moreton Island. As part of the determination process, a number of settlement outcomes were agreed between the State and Quandamooka people, including an agreement to work towards joint management of protected areas on Moreton Island, or Mulgumpin as it is known to the Quandamooka people. The primary objective of this Bill was to provide the legal framework necessary to implement the joint management arrangements.

Having lapsed at the end of the 56th Parliament, the Bill was re-introduced to the Legislative Assembly in December 2020 and referred to the committee for examination and report. The committee sought a short extension to provide more time for culturally appropriate consultation and reported on the 8 March 2021.

In considering the Bill, the committee endorsed the work of the former committee and sought to update evidence by calling for public submissions and holding a public departmental briefing with officials from the Department of Environment and Science and Department of Resources. In March 2021, the committee met with indigenous landowners on Country, and visited sites of cultural and environmental significance. The committee also met with local business, community and environmental stakeholder to hear their views on the Bill.

The committee recommended that the Bill be passed. The committee also recommended that the government consider developing training, education and professional development mechanisms on native title process; and that the joint managers of the protected areas give consideration to the establishment of consultative activities at which timely and consistent information can be provided to businesses, residents and other stakeholders. The committee also recommended that existing statutory consultation requirements for the preparation of a draft management plan for the island, be complemented with more accessible activities.

The government accepted each of the committee's recommendations and the Bill was passed, without amendment, on 13 May 2021.



Community Elders, QYAC representatives and the State Development and Regional Industries Committee

Mulgumpin - 1 and 2 March 2021

3.2 Subordinate legislation

This reporting period, the committee tabled seven reports, which addressed 30 items of subordinate legislation during the reporting period:

- Report No. 1, Subordinate legislation tabled between 7 July 2020 and 3 August 2020 (tabled 30 November 2020)
- Report No. 3, Subordinate legislation tabled between 4 August 2020 and 11 August 2020 (tabled 15 February 2021)
- Report No. 4, Subordinate legislation tabled between 12 August 2020 and 8 September 2020 (tabled 1 March 2021)
- Report No. 6, Subordinate legislation tabled on 8 September 2020 (tabled 8 March 2021)
- Report No. 7, Subordinate legislation tabled between 9 September 2020 and 26 November 2020 (tabled 22 March 2021)
- Report No. 8, Subordinate legislation tabled between 27 November 2020 and 23 February 2021 (tabled 27 April 2021)
- Report No. 9, Subordinate legislation tabled between 24 February 2021 and 20 April 2021 (tabled 31 May 2021).

The subject matter of the subordinate legislation was diverse and included: legislative amendments resulting from COVID-19 emergency responses, local government integrity matters, animal welfare, commercial fishing and water resources.

No significant issues were identified by the committee regarding the policy to be given effect by the subordinate legislation. In making this determination, the committee sought additional information from departments on various matters. For example:

- for the Local Government Legislation (Integrity) Amendment Regulation, the committee conducted a public briefing with officials from the Department of State Development, Infrastructure, Local Government and Planning and canvassed issues including meeting requirements, council advisers, registers of interest and training.
- for the Royal National Agricultural and Industrial Association of Queensland (Prescribed Land) Amendment Regulation 2020, the committee found that the explanatory notes did not provide a description of the 'effect' of the regulation, and sought and published further clarification.

The committee also considered multiple fundamental legislative principle and human rights issues as part of its examination of the subordinate legislation. For example:

- for the Fisheries Legislation Amendment Regulation 2020, the committee considered the following rights and liberties of individuals: undue restriction of ordinary activities and conducting business, reversal of the onus of proof, and retrospectivity. The committee also considered whether the subdelegation of certain powers in the regulation were appropriate.
- for the Planning Legislation (Economic Recovery Measures and Other Matters) Amendment Regulation 2020, the committee considered potential limitations to the right to recognition and quality before the law and the right to freedom of expression.

In all cases, the committee was satisfied, that any potential fundamental legislative principle breaches or limitations on human rights were reasonable and demonstrably justified.

The committee also considered the explanatory notes and human rights certificates accompanying the subordinate legislation and found that they complied with the requirements of the *Legislative Standards Act 1992* and the *Human Rights Act 2019* respectively, making only some minor comments on potential inconsistencies or omissions.

3.3 Public accounts and Auditor-General Reports

Under section 94 of the *Parliament of Queensland Act 2001*, the committee is responsible for assessing the integrity, economy, efficiency and effectiveness of government financial management by examining government financial documents and considering reports of the Auditor-General.

This reporting period, the Committee of the Legislative Assembly referred two Auditor-General reports to the committee for consideration, pursuant to Standing Order 194B:

- Auditor-General Report No. 9: 2020-21—*Water 2020*, on 25 February 2021
- Auditor-General Report No. 17: 2020-21—*Local government 2020*, on 23 April 2021.

The committee also resolved to complete the examination of four Auditor-General reports which were referred to former committees, but which lapsed on dissolution of the 56th Parliament:

- Auditor-General Report No. 14: 2019-20—*Evaluating major infrastructure projects*
- Auditor-General Report No. 13: 2019-20—*Local government entities: 2018-19 results of financial audit*
- Auditor-General Report No. 2: 2019-20—*Managing the sustainability of local government services*
- Auditor-General Report No. 18: 2018-19—*Local government entities: 2017-18 results of financial audits*.

3.3.1 Auditor-General Report No. 9: 2020-21 – *Water 2020*

This Auditor-General Report summarised the audit results of six entities in Queensland's water sector: Seqwater, Sunwater, Urban Utilities, Unitywater, Gladstone Area Water Board and Mount Isa Water Board. The report made a number of findings and recommendations including that entities strengthen the security of information systems, and take steps to understand complex employee arrangements.

As part of its examination, the committee conducted a public briefing with the Auditor-General to better understand the findings and recommendations of the report. The committee also sought and received responses from the six water entities in relation to the recommendations. It is expected that the committee will table a report in the next reporting period.

3.3.2 Report No. 10, 57th Parliament, Examination of Auditor-General Report No. 14: 2019-20 *Evaluating major infrastructure projects*

This Auditor-General Report considered whether Building Queensland (BQ) effectively and efficiently led and/or assisted agencies deliver robust business cases for major infrastructure projects and provided expert advice about infrastructure. The Auditor-General made six recommendations. Shortly after the report was tabled, the government outlined its intentions to dissolve BQ and transition its functions into core government.

Building on evidence collected by a former committee, the committee sought and received a response from the Department of State Development, Infrastructure, Local Government and Planning (department) on the Auditor-General's recommendations.

The committee tabled its report on 21 June 2021. The committee found that it was important that lessons learned from the audit continue to be taken into consideration and recommended that the department and Queensland Audit Office take steps to ensure that relevant recommendations in the Auditor-General's report are assigned to the department for implementation and reporting purposes.

At the time of writing this Annual Report, a government response had not been received. However, an update on implementation of the recommendations was provided in an answer to a question on notice from the Minister during the 2021-22 estimates process. That answer indicated that a number of recommendations had been implemented and that the department is currently considering how relevant recommendations are to be assigned for implementation and reporting purposes.

3.3.3 Auditor-General Report No. 17: 2020-21 - *Local Government 2020*

This report summarised the audit results of Queensland's 77 local government entities (councils). The report made a number of findings and recommendations to local councils and the Department of State Development, Infrastructure, Local Government and Planning (department).

The committee sought and received additional information from the Queensland Audit Office to better understand the recurring nature of some of the report's recommendations, particularly those relating to the establishment of mandatory audit committees, and sustainability ratios. The committee also wrote to the department seeking a response to the recommendations.

The committee will continue its examination of this report, including related audit reports that lapsed in the previous parliament, in the next reporting period.

3.4 Oversight of the Independent Assessor

The committee has oversight responsibility for the Independent Assessor.

This reporting period, the committee:

- received a written briefing on the functions and performance of the Independent Assessor
- held a public briefing with the Independent Assessor and officials from the Office of the Independent Assessor
- examined the 2019-20 Annual Report
- sought advice from the Independent Assessor; Department of State Development, Infrastructure, Local Government and Planning (department); and the Crime and Corruption Commission on various matters.

As part of its oversight responsibilities, the committee considered a number of legislative reforms as suggested by the Independent Assessor. This included reforms which would:

- provide the Independent Assessor with the ability to withdraw or rescind a matter referred to the Councillor Conduct Tribunal
- provide the Independent Assessor with discretion to refer lower-level misconduct to be dealt with as inappropriate conduct, in appropriate and/or defined circumstances
- provide clarity on whether a breach of the acceptable request guidelines should continue to be dealt with as misconduct, or whether it can be more appropriately dealt with as inappropriate conduct.

The committee wrote to the department seeking a response to the suggested reforms. The department advised that it continually reviews reform recommendations by stakeholders and would consider the proposals as part of any review process that may occur.

The committee will continue its oversight responsibilities in the next reporting period.

4 Committee expenditure

The committee had no revenue during the 2020-21 reporting period. The committee is funded from the appropriation made to the Legislative Assembly. The expenditure of the committee from 26 November 2020 to 30 June 2021 is shown in the table below.

| Item | \$ |
|--|----------------|
| Staff salaries and related expenses ⁷ | 205,786 |
| Business travel | 7,710 |
| Meeting expenses | 6,476 |
| Technology | 3,340 |
| Printing and supplies | 1,567 |
| Meeting expenses | 199 |
| Expenditure Total | 225,078 |

⁷ These figures reflect a three person secretariat supporting the committee. The committee's staffing might have been supplemented with additional resources from general Committee Office staff throughout the year.

5 Meeting attendance record

The table below shows the attendance of committee members at committee meetings and other activities during the reporting period.

Standing Order 202(1) provides that in the case of a committee members' illness or inability to attend, another member may be appointed to attend that meeting or stand in for a particular inquiry.

| Meeting Date | Activity | Chris Whiting MP | Jim McDonald MP | Michael Hart MP | Robbie Katter MP | Jim Madden MP | Tom Smith MP |
|--------------|----------|------------------|-----------------|-----------------|------------------|---------------|--------------|
| 30/11/2020 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 7/12/2020 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 8/12/2020 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 8/12/2020 | PH | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 8/12/2020 | PM | ✓ | ✓ | ✓ | x | ✓ | ✓ |
| 17/12/2020 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 17/12/2020 | PB | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 13/1/2021 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 25/1/2021 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 8/2/2021 | PM | ✓ | ✓ | ✓ | x | ✓ | ✓ |
| 22/2/2021 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 22/2/2021 | PB | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 1/3/2021 | PM | ✓ | ✓ | ✓ | ✓ | x | ✓ |
| 2/3/2021 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 5/3/2021 | PM | ✓ | ✓ | ✓ | x | ✓ | ✓ |
| 8/3/2021 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 8/3/2021 | PB | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 22/3/2021 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 22/3/2021 | PB | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 19/4/2021 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 10/5/2021 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 24/5/2021 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 14/6/2021 | PM | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

Legend:

PM - private meeting

PH - public hearing

PB - public briefing

✓ present