

Queensland Plan Bill 2014

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Andrew Powell MP

Queensland Plan Bill 2014

Objectives of the Amendments

The policy objectives of the proposed amendments are to:

- clarify what constitutes a ‘public authority’ under the Bill;
- ensure that the Bill applies only to those public service offices and statutory bodies that are prescribed as public authorities; and
- provide assurance that the independence of public authorities is not impeded by the Bill.

Achievement of the Objectives

It is proposed to amend the Bill to allow the prescription of the public authorities that the Bill applies to. The definition of ‘public authority’ in the Bill’s schedule 2 dictionary will be amended to reflect that a ‘public authority’ includes a department, as well as public service offices and statutory bodies prescribed by regulation.

Clause 8(3) of the Bill currently provides that the Government response to the Queensland Plan may:

- state the core outcomes to be achieved by a public authority;
- require a particular strategy or action to be taken by a public authority; and
- state the timeframe within which an outcome is to be achieved or a strategy or action taken.

To ensure the independence of particular public authorities, it is proposed to amend clause 8 to include a new provision precluding clause 8(3) from applying to a public authority to the extent that there would be an impact on the public authority’s independence as required by legislation or government policy, or as is a customary feature of the public authority.

This amendment to clause 8 will provide assurance about the independence of public authorities where they are prescribed, but have obligations to act independently in certain instances. To support and ensure consistency in terms of this amendment, complementary amendments to clauses 10 and 13 are also proposed.

Alternative Ways of Achieving Policy Objectives

Legislative amendments are considered the most effective and efficient means of achieving the policy objectives. Administrative arrangements are not considered appropriate as they would not achieve the same level of transparency or clarity for departments, public service offices and statutory bodies. Administrative arrangements may also increase the administrative burden on departments, without commensurate benefit.

Estimated Cost for Government Implementation

There are no costs arising from the proposed amendments.

Consistency with Fundamental Legislative Principles

The proposed amendments have been examined for compliance with the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Office of the Queensland Parliamentary Council has been consulted about the proposed amendments. Targeted consultation with particular government departments in relation to the amendments has also taken place. All parties consulted supported the proposed amendments.

NOTES ON PROVISIONS

1 Clause 8 (Government response to the Queensland Plan)

New clause 8(4) ensures that clause 8(3) does not apply to a public authority to the extent that stating a core outcome to be achieved, or requiring a strategy or action to be taken, by the public authority, would affect a matter in relation to which the independence of the public authority:

- is required by legislation or government policy; or
- is a customary feature of the work of the public authority.

2 Clause 10 (Policy, program and service alignment with government response)

This is a minor technical amendment that renumbers what was previously clause 10 as clause 10(1).

3 Clause 10 (Policy, program and service alignment with government response)

New clause 10(2) specifies that section 10(1), previously section 10, does not apply to the chief executive of a public authority to the extent that the public authority's independence in developing its policies and programs, or delivering its services:

- is required by legislation or government policy; or
- is a customary feature of the work of the public authority.

4 Clause 13 (Annual report—public authorities)

New clause 13(1) specifies that section 13 applies to a chief executive of a public authority if, or to the extent that, new section 10(1) applies to the chief executive.

5 Clause 13 (Annual report—public authorities)

This is a minor technical amendment that renumbers what was previously clause 13 as new clause 13(2), and changes the reference to 'chief executive of a public authority' to 'chief executive'.

6 After clause 39

39A Application of Act to public service offices

New clause 39A(1) specifies that this section applies despite the *Public Service Act 2008*, section 22(2).

New clause 39A(2) specifies that the Act applies to a public service office only if the public service office is a public authority under this Act.

New clause 39A will prevent the Bill from automatically applying to a public service office as if the public service office were a department. This will enable the Bill to make specific provision, through amendments to the definition of public authority in the Bill's schedule 2 dictionary, to enable particular public service offices to be prescribed.

39B References to chief executive of public authority

New clause 39B specifies that a reference in this Act to the chief executive of a public authority includes a reference to:

- if the public authority is a public service office—the head of the public service office; and
- if the public authority is a statutory body—the person responsible for the management of the statutory body.

This new provision, clarifies who, for the purpose of this Act, is the chief executive of a 'public authority' that is a public service office or a statutory body.

New clause 39B(2) specifies that in this new section 39B 'head' of a public service office is defined by reference to the *Public Service Act 2008*, section 21(2).

7 Schedule 2 (Dictionary)

This amendment omits 'statutory body' from the Bill's current schedule 2 definition of 'public authority' and inserts that a public authority includes:

- a public service office prescribed by regulation; or
- a statutory body prescribed by regulation.