

Economic Development and Other Legislation Amendment Bill 2018

Explanatory Notes

For

Amendments to be moved during consideration in detail by The Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning

Title of the Bill

Economic Development and Other Legislation Amendment Bill 2018 (the Bill).

Objectives of the amendments

The objective of the amendments is to clarify elements of the Bill and to respond to recommendations made by the State Development, Natural Resources and Agricultural Industry Development Committee (the Committee) in Report No. 18 (56th Parliament) tabled on 8 November 2018, following the Committee inquiry on the Bill.

Achievement of the objectives

The objectives of the amendments will be achieved by:

- amending the provisions in the *Economic Development Act 2012* (ED Act) for provisional priority development areas to provide for the establishment of a local consultative committee; and
- correcting a typographical error in clause 190 of the Bill (new section 79(c)) relating to the *Planning and Environment Court Act 2016* (P&E Court Act).

Alternative ways of achieving policy objectives

There are no alternative ways to achieve the policy objectives.

Estimated cost for government implementation

There are no significant implementation costs for government arising from the amendments. Where costs do arise, they will be met from within existing budget allocations.

Consistency with fundamental legislative principles

The amendments to the ED Act and P&E Court Act are consistent with fundamental legislative principles.

Consultation

The issues raised in submissions to the Committee have been considered by the government in preparing these amendments.

Notes on provisions

Amendment 1

Amendment 1 inserts clause 65A of the Bill to include new part 3A in chapter 4 of the *Economic Development Act 2012* (ED Act) to provide for the establishment of local consultative committees for provisional priority development areas (PDAs).

The purpose of a local consultative committee is to provide for local input in decision making which will inform matters such as the finalisation of the provisional land use plan for the provisional PDA and assessment of the particular development envisaged by the plan. It will include representatives of the relevant local government, the local community, and if applicable, other entities the Minister for Economic Development Queensland (MEDQ), considers likely to be affected by development in the provisional PDA.

This amendment responds to Recommendation 2 made by the Committee.

159A Establishment

New section 159A provides that as soon as practicable after declaration of a provisional PDA, the MEDQ must establish a local consultative committee for the provisional PDA. The MEDQ must also decide terms of reference for the committee, including how the committee must operate in performing its functions. This will provide accountability and transparency for the operation and governance of the local consultative committee and clearly indicate its scope.

159B Functions

New section 159B provides that within the scope of the local consultative committee's terms of reference a function of a local consultative committee is to advise the MEDQ about the impact, or potential impact, of proposed development in the provisional PDA, and about community needs and expectations in the area. A further function is to report, in accordance with the scope of the terms of reference, to the MEDQ about the committee's performance of its functions. The local consultative committee may do all things necessary or convenient to be done for the performance of its functions.

159C Membership

New section 159C states the following persons will be members of the local consultative committee:

- the chief executive of the department (or nominated senior executive) – the chair of the committee;
- the chief executive of the relevant local government for the provisional PDA (or nominated senior executive);
- at least one member appointed by the MEDQ to represent the interests of the local community;
- if the MEDQ considers one or more entities are likely to be affected by development in the PDA, at least one member appointed by the MEDQ to represent the interests of the entity or entities.

A local consultative committee may consist of up to three members who are appointed by the MEDQ.

Subsection (5) provides that a member of the local consultative committee holds office on the terms and conditions the MEDQ considers appropriate, including terms about remuneration.

159D Dissolution of local consultative committees

New section 159D provides that a local consultative committee is dissolved when the provisional PDA ceases, unless the MEDQ dissolves it earlier (but not before the provisional land use plan for the area is made).

Amendment 2

Amendment 2 inserts a new definition of *local consultative committee* in clause 71 of the Bill. Clause 71 amends schedule 1 (Dictionary) of the ED Act. The definition refers to new section 159A(a) inserted by Amendment 1.

Amendment 3

Amendment 3 amends the definition of *committee member* in clause 71 of the Bill to refer to a member of a local consultative committee in addition to a local representative committee. The term *committee member* is mentioned in section 161 (Duty to act honestly and exercise care and diligence), section 162 (MEDQ may bring proceedings) and section 171 (Protection from civil liability) of the ED Act. The amendment is a consequence of Amendment 1 and provides for these sections of the ED Act to also apply to members of a local consultative committee to assist the local consultative committee in carrying out its functions appropriately.

Amendment 4

Amendment 4 amends clause 190 of the Bill (new section 79(c)) in relation to the *Planning and Environment Court Act 2016* to correct a typographical error whereby the word ‘in’ has been inadvertently omitted.

Amendment 5

Amendment 5 amends schedule 1 of the Bill to omit subsection (1)(g) of section 169 (Delegations) and insert a new paragraph referring to a member of a local representative committee. This amendment is a consequence of the amendment to the definition of *committee member* in Amendment 3 to also include a member of a local consultative committee.

Amendment 6

Amendment 6 omits section 13 of schedule 1 (Legislation amended) of the Bill and inserts a new section that omits subsection (2)(a) of section 174 (Matters to be included in department’s annual report). The amended paragraph includes a reference to the board, a local representative committee and now includes a local consultative committee.

The amendment is a consequence of Amendment 1 and provides for the annual report to also include information about how a local consultative committee has contributed to the achievement of MEDQ’s functions, in the same way that information is included about local representative committees.

This provides for the transparency and accountability of the new local consultative committees.