

Queensland Veterans' Council Bill 2021

Explanatory Notes

FOR

Amendments to be moved during consideration in detail by The Honourable Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence

The title of the Bill

The short title of the Bill is the Queensland Veterans' Council Bill 2021.

Objectives of the Amendments

The Community Support and Services Committee (the Committee) tabled its report on the Queensland Veterans' Council Bill 2021 (the Bill) on 11 June 2021. In response to stakeholder feedback, the Committee recommended two amendments to the Bill relating to the membership of the Queensland Veterans' Council (QVC) (clause 13) and the establishment of a Veterans' Reference Group (clause 34).

Amendment to clause 13

Clause 13 of the Bill provides that the membership of the QVC comprises:

- a) the chief executive of the department in which the Act is administered, or an employee of that department nominated by the chief executive;
- b) the chief executive officer of Brisbane City Council (BCC) or an employee of BCC nominated by the chief executive officer;
- c) no more than six other members appointed by the Governor in Council ('appointed members') comprising
 - not more than two persons nominated by a veterans' organisation under section 14; and
 - not more than four persons nominated by the Minister.

Clause 13(3) of the Bill provides that the Minister, in nominating a person for appointment must be satisfied that the person has the qualifications or experience in at least one of the

following areas: corporate governance, business or financial management; heritage conservation; or another area the Minister considers relevant or necessary to support the QVC in the performance of its functions.

Stakeholders raised concerns that under the provision in the Bill, veterans and representatives of the veterans' community are underrepresented on the QVC.

It was never the Government's intention to limit the number of veterans or members of the veterans' community who may be 'appointed members', provided they have the necessary skills and experience. The Committee's report notes that the Bill, as currently drafted, does not limit the number of veterans who may be appointed to the six appointed member positions, provided they have the necessary skills and experience.

The Committee considered that, given the important role of the QVC, it was vital that veterans and representatives of the veterans' community comprise at least 50 per cent of the QVC's membership.

The Committee recommended that clause 13 of the Bill be amended to provide that at least 50 per cent of the members of the QVC must be veterans or representatives of the veterans' community. In making the recommendation, the Committee considered that this approach would provide sufficient flexibility to ensure that members of the QVC have the necessary governance skills and experience, whilst providing a strong voice for veterans on the QVC.

Amendment to clause 34

Clause 34 of the Bill provides that the Minister may establish a Veterans' Reference Group. The functions of the Veterans' Reference Group are prescribed in clause 35 of the Bill.

Stakeholders raised concerns that the use of the word 'may' provided the Minister with the discretion to establish a Veterans' Reference Group, rather than imposing a mandatory obligation.

The Veterans' Reference Group is considered essential to supporting the QVC in the performance of its advisory function and assisting the QVC to consult with a broad range of veterans' organisations.

Achievement of policy objectives

Consistent with the recommendations of the Committee, a new subclause is to be inserted into clause 13 to provide that, of the six appointed members, at least four must be veterans or members of the veterans' community. To support the policy intent, additional amendments are made to clause 13 to remove the words 'not more than' to provide clarity around the number of members of the QVC.

Importantly the amendments do not limit the percentage of veterans or members of the veterans' community who may be appointed to the QVC.

Consistent with the recommendations of the Committee, the amendments to clause 34 impose an obligation on the Minister to establish a Veterans' Reference Group.

Alternative ways of achieving policy objectives

There are no alternative ways for achieving these policy objectives.

Estimated cost for government implementation

There will be no additional costs for the government in implementing these amendments.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

The amendments to the Bill implement the recommendations of the Committee and reflect the feedback the Committee received from stakeholders during its inquiry into the Bill. The Committee considered 12 written submissions and held a public hearing into the Bill, at which testimony was provided by four ex-service organisations and three private individuals. No further public consultation was undertaken.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with, or complementary to, legislation of the Commonwealth or another State or Territory. However, Victoria and New South Wales have established statutory bodies with responsibility for their respective State war memorials. While there are some similarities between the Victorian and New South Wales models and the model established in the Bill, the approach adopted in Queensland is specific to achieving the policy objectives.

NOTES ON PROVISIONS

Amendment 1 amends clause 13 of the Bill to remove the words 'not more than' to provide certainty about the number of appointed members.

Amendment 2 amends clause 13 of the Bill to replace the word 'may' with 'must' to ensure that the QVC includes the prescribed number of appointed members.

Amendment 3 amends clause 13 of the Bill to remove the words 'not more than' to provide certainty about the number of appointed members nominated by a veterans' organisation.

Amendment 4 amends clause 13 of the Bill to remove the words 'not more than' to provide certainty about the number of appointed members nominated by the Minister.

Amendment 5 inserts a new subclause (2A) into clause 13 to provide that at least four of the appointed members must be veterans or members of the veterans' community.

Amendment 6 amends clause 34 of the Bill to replace the word 'may' with 'must' to impose an obligation on the Minister to establish the Veterans' Reference Group.