

Queensland Plan Bill 2014

Explanatory Notes

Short title

The short title of the Bill is the Queensland Plan Bill 2014.

Introduction

The Queensland Plan reflects the community's vision for the future strategic direction of Queensland and addresses the community's desire for a long-term focus, beyond electoral cycles.

Policy objectives and the reasons for them

The primary policy objectives of the Bill 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.

Achievement of policy objectives

The Queensland Plan outlines the community's vision for Queensland's future strategic direction and addresses the community's desire for a long-term focus, beyond electoral cycles. The Bill provides 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.

Alternative ways of achieving policy objectives

The Premier made public announcements on 10 May, 3 September, 9 and 10 October 2013, and 31 July 2014 that the Queensland Plan would be enshrined in legislation.

The options considered were to:

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

It was decided that the first option may result 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.

Estimated cost for government implementation

Funding of \$4.6 million over four years was allocated to develop the Queensland Plan. Remaining funds will be utilised to meet costs relating to the ambassadors council and some community engagement activities.

Costs to implement the government response to the Queensland Plan will be subject to the usual State government budgetary processes.

Consistency with fundamental legislative principles

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

Consultation

The Queensland Plan is the result of the largest community engagement activity of its kind ever undertaken in Queensland. Communication regarding implementation of the Queensland Plan has noted the development of legislation to support the achievement of the community's vision.

The Bill has been developed in consultation with 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.

Targeted consultation was undertaken with the Local Government Association of Queensland, selected Regional Organisations of Councils, and individual local governments, including the Brisbane City Council and the Central Highlands, Rockhampton and the Whitsunday Regional Councils.

The consultation phase for the Bill revealed support for both the Queensland Plan and the Bill. Feedback from stakeholders has been given full consideration.

Consistency with legislation of other jurisdictions

Not applicable.

Reasons for non-inclusion of information

No information has been deliberately withheld from the Bill.

Notes on provisions

Part 1 Preliminary

Clause 1 Short title

Clause 1 specifies that this Act may be cited as the *Queensland Plan Act 2014*.

Clause 2 Act binds all persons

Clause 2 specifies that this Act will bind all persons, including the State.

Clause 3 Main purposes of the Act

Clause 3 specifies that the main purposes of this Act are to:

- provide for development and ratification of a plan, known as the Queensland Plan, that establishes a long-term vision for the future growth and prosperity of Queensland, and reflects the aspirations of the community, business and industry for the future of Queensland;
- provide for the implementation of the plan, including by developing a government response to the plan that aligns the policies, programs and services of public authorities to the strategic direction of the government response; aligns local government planning to the strategic direction of the plan; and encourages the community, business and industry to implement the Queensland Plan; and
- establish the ambassadors council to advocate for the implementation of the Queensland Plan by the community, business and industry.

Clause 4 Definitions

Clause 4 specifies that the dictionary in schedule 2 defines particular words used in this Act.

Part 2 The Queensland Plan

Clause 5 Premier to facilitate development of plan

Clause 5(1) specifies that the Premier must facilitate the development of a plan to provide a long-term vision for key areas affecting the future growth and prosperity of Queensland.

Clause 5(2) specifies that key areas under the plan may include education, community, regions, economy, health and wellbeing, environment, people, infrastructure and governance.

Clause 5(3) specifies that the plan must be developed having regard to the principles stated in schedule 1, outline the strategic direction for the key areas under the plan, and set targets, including measures, for the key areas.

Clause 6 Ratification of plan by Legislative Assembly

Clause 6(1) specifies that the Premier must table a plan developed under section 5 in the Legislative Assembly for ratification.

Clause 6(2) specifies that on being ratified by the Legislative Assembly the plan has effect as the Queensland Plan.

Clause 7 Chief Executive to publish the Queensland Plan

Clause 7 specifies that the chief executive must publish the Queensland Plan on a government website, and make the Queensland Plan available for inspection, free of charge, during business hours at the department's head office.

Part 3 Implementation of the Queensland Plan

Division 1 Premier and Ministers

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.

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*.

Division 2 Public authorities

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.

Division 3 Local governments

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.

Part 4 Reporting requirements

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.

Part 5 Review of the Queensland Plan and government response

Clause 15 Periodic review of the Queensland Plan

Clause 15(1) specifies that the Premier must review the Queensland Plan within 5 years after the Queensland Plan takes effect under section 6, and at further intervals of not more than 5 years.

Clause 15(2) specifies that the objects of the review include deciding whether:

- the long-term vision established by the Queensland Plan for the future of Queensland still reflects the aspirations of the community, business and industry;
- the ways of implementing the long-term vision, as stated in the Queensland Plan can be improved; and
- having regard to the matters mentioned in sections 15(2)(a) and 15(2)(b), the Queensland Plan should be revised.

Clause 15(3) specifies that in reviewing the Queensland Plan, the Premier must:

- consult with the ambassadors council about the matters mentioned in section 15(2);
- consider any issues raised by the ambassadors council; and
- engage with the community, business and industry in accordance with the Queensland Plan's principles, stated in schedule 1.

Clause 16 Revising the Queensland Plan

Clause 16(1) specifies that if the Premier decides the Queensland Plan should be revised, the Premier must develop a revised plan.

Clause 16(2) specifies that section 5 applies to the development of a revised plan.

Clause 16(3) specifies that in developing the revised plan, the Premier must consult with the ambassadors council and consider any issues raised by the ambassadors council.

Clause 17 Ratification of revised plan by Legislative Assembly

Clause 17(1) specifies that the Premier must table a revised plan developed under section 16 in the Legislative Assembly for ratification.

Clause 17(2) specifies that on being ratified by the Legislative Assembly, the revised plan has effect as the Queensland Plan.

Clause 18 Review of government response

Clause 18(1) specifies that if the revised plan tabled under section 17(1) is ratified by the Legislative Assembly, the Premier must review the government response within 6 months after the ratification of the plan, and if the Premier considers it appropriate, revise the government response to the Queensland Plan.

Clause 18(2) specifies that nothing in this section prevents the Premier from reviewing or revising the government response at any other time.

Part 6 Queensland Plan Ambassadors Council

Division 1 Establishment and functions

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.

Division 2 Membership

Subdivision 1 Appointment

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.

Clause 24 Term of office

Clause 24 specifies that, subject to this division, a member of the ambassadors council holds office for no longer than 5 years, as stated in the member's instrument of appointment.

Clause 25 Conditions of appointment

Clause 25(1) specifies that a member of the ambassadors council is to be paid the remuneration and allowances decided by the Premier.

Clause 25(2) specifies that a member holds office on the terms and conditions, not provided for by this Act, that are decided by the Premier.

Clause 26 Chairperson and deputy chairperson

Clause 26(1) specifies that the Premier may appoint a member of the ambassadors council to be the chairperson of the council, and another member of the ambassadors council to be the deputy chairperson of the ambassadors council.

Clause 26(2) specifies that a member may be appointed as the chairperson or deputy chairperson at the same time as the person is appointed as a member.

Clause 26(3) specifies that the chairperson or deputy chairperson holds office for the term, ending not later than his or her term of appointment as a member, stated in his or her appointment as chairperson or deputy chairperson.

Clause 26(4) specifies that the deputy chairperson is to act as chairperson during a vacancy in the office of chairperson, and during all periods when the chairperson is absent from duty or for another reason is unable to perform the duties of the office.

Clause 27 Vacancy in office

Clause 27 specifies that an ambassadors council member's office becomes vacant if:

- the member resigns office by signed notice given to the Premier;
- the member becomes a person who is an insolvent under administration under the Corporations Act, section 9;
- the member is disqualified from managing corporations under the Corporations Act, part 2D.6; or
- the member is convicted of an indictable offence; or
- the member's appointment is terminated by the Premier under subdivision 2.

Subdivision 2 Termination of appointment**Clause 28 Grounds for termination of appointment**

Clause 28 specifies that the Premier may terminate the appointment of an ambassadors council member only if the Premier is satisfied the member:

- has been guilty of misconduct; or
- is incapable of performing the member's duties; or

- has neglected the member's duties or has performed them incompetently.

Clause 29 Show cause notice

Clause 29(1) specifies that this section applies if the Premier believes a ground exists to terminate the appointment of an ambassadors council member under section 28.

Clause 29(2) specifies that the Premier must first give the member a show cause notice stating:

- that the Premier proposes to terminate the member's appointment;
- the grounds for the proposed termination;
- an outline of the facts and circumstances forming the basis for the grounds;
- that the member may, within the show cause period, make written representations to the Premier to show why the member's appointment should not be terminated.

Clause 29(3) specifies that the show cause period must end at least 28 days after the ambassadors council member is given the show cause notice.

Clause 30 Representations about show cause notice

Clause 30(1) specifies that an ambassadors council member given a show cause notice may, within the show cause period, make written representations to the Premier about why the member's appointment should not be terminated.

Clause 30(2) specifies that the Premier must consider all accepted representations made under section 30(1).

Clause 31 Ending show cause process without further action

Clause 31 specifies that if, after considering the accepted representations for a show cause notice, the Premier no longer believes a ground exists to terminate the member's appointment, the Premier must:

- not take any further action about the show cause notice; and
- must give the member a notice that no further action is to be taken about the show cause notice.

Clause 32 Termination of appointment

Clause 32(1) specifies that section 32 applies if:

- there are no accepted representations for the show cause notice; or
- after considering accepted representations, the Premier still believes a ground exists to terminate the ambassadors council member's appointment and that the termination of the appointment is warranted.

Clause 32(2) specifies that if section 32(1) applies, the Premier may terminate the member's appointment.

Clause 32(3) specifies that if the Premier decides to take action to terminate the member's appointment under section 32(2), the Premier must as soon as practicable give the member written notice of the decision.

Clause 32(4) specifies that the decision to terminate the appointment takes effect on the day the notice referred to in section 32(3) is given to the member.

Division 3 Proceedings

Clause 33 Conduct of business

Clause 33 specifies that, subject to this division, the ambassadors council may conduct its business, including its meetings, in the way it considers appropriate.

Clause 34 Minimum requirement for meetings

Clause 34 specifies that the ambassadors council must meet at least twice a year.

Clause 35 Presiding at meetings

Clause 35(1) specifies that the chairperson is to preside at all meetings of the ambassadors council at which the chairperson is present.

Clause 35(2) specifies that if the chairperson is not present at a meeting, the deputy chairperson is to preside.

Clause 35(3) specifies that if neither the chairperson nor the deputy chairperson is present at a meeting, a member chosen by the members present is to preside.

Clause 36 Quorum

Clause 36 specifies that the quorum at a meeting of the ambassadors council is a majority of its members for the time being.

Clause 37 Conduct of meetings

Clause 37(1) specifies that a question at a meeting of the ambassadors council is decided by a majority of the votes of the members present

Clause 37(2) specifies that each member present at a meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

Clause 37(3) specifies that a member who is present at a meeting and abstains from voting is taken to have voted for the negative.

Clause 37(4) specifies that a meeting may be held using any technology allowing reasonably contemporaneous and continuous communication between members, for example through teleconferencing.

Clause 37(5) specifies that a member taking part in a meeting under section 37(4) is taken to be present at the meeting.

Clause 38 Minutes

Clause 38 specifies that the ambassadors council must keep minutes of its meetings.

Part 7 Miscellaneous

Clause 39 Delegation by Premier

Clause 39(1) specifies that the Premier may delegate any of the Premier's functions under this Act to another Minister.

Clause 39(2) specifies that the 'functions' referred to in section 39, includes powers.

Clause 40 Regulation-making power

Clause 40 specifies that the Governor in Council may make regulations under this Act.

Part 8 Transitional provision

Clause 41 Plan developed or tabled before commencement

Clause 41(1) specifies that if the Premier develops a plan (the 'original plan') for the purpose and the way mentioned in section 5, before the commencement of section 5, the original plan is taken to have been developed under that section.

Clause 41(2) specifies that if the Premier tables the original plan in the Legislative Assembly for ratification by the Legislative Assembly before the commencement of section 6(1), the Premier is taken to have complied with that section in relation to the original plan.

Schedule 1 Principles for the Queensland Plan

Schedule 1 sets out the principles that the plan must have regard to when it is being developed, as required under section 5(3).

Schedule 2 Dictionary

Schedule 2 contains definitions for particular words used in this Act.