



Fact Sheet No.7: Directions Powers

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This fact sheet provides an overview of new provisions and amendments to existing provisions in the Economic Development and Other Legislation Amendment Bill 2024 (the Bill) relating to the Minister for Economic Development Queensland’s (MEDQ’s) directions powers.

What are MEDQ’s current directions powers?

Currently, under the *Economic Development Act 2012* (the Act), the MEDQ can direct a local government or government entity.

The actions that the MEDQ can direct a local government or government entity to take include:

- accepting land within a Priority Development Area (PDA) or PDA-associated land.
- accepting funds for the purpose of maintaining infrastructure.
- providing or maintaining infrastructure in, or related to, a PDA where the maintenance of the infrastructure by the directed entity is necessary for the proper and orderly planning, development and management of the PDA.

Why do we need a change?

Changes to the existing powers clarify that these powers also relate to distributor-retailers as a key partner in facilitating outcomes within PDAs. Additionally, further clarification is provided that where a thing required to be done under the direction would ordinarily require a water approval issued by the distributor-retailer under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, that thing may be done without the water approval.

A new directions power has also been included in the Bill to enable MEDQ to direct a government entity, local government and distributor-retailer to provide information which is essential for prudent planning of a PDA. This information will enable Economic Development Queensland (EDQ)¹ to undertake effective and efficient planning with a full understanding of all matters impacting development in the area.

A further change allows for better engagement by EDQ with the directed entities. Using a consultative approach to resolving issues, it provides both EDQ and the directed entity more scope to collaborate for a better outcome, while fostering strong partnerships.

Key Features of the Bill

- The MEDQ can direct a local government, government entity or distributor-retailer to give information within a stated timeframe. The information must be for the proper and orderly planning, development and management of a PDA or PDA-associated land.
- Local governments, government entities and distributor-retailers will have an opportunity to raise concerns or issues prior to the MEDQ issuing a ‘directions notice’ related to the transfer of land or the transfer of funds for infrastructure, or the provision or maintenance of infrastructure.
- Distributor-retailers are listed as an entity in the directions powers to clearly identify distributor-retailers under the directions powers provisions.

¹ The Minister for Economic Development Queensland (MEDQ) as the corporation sole is the legal entity under the *Economic Development Act 2012*. However, for ease of reference, when addressing the day to day operations of the MEDQ, Economic Development Queensland is used in this fact sheet.





- In relation to a direction to provide or maintain infrastructure, this section has been amended so that an action required to be done under a direction that requires a water approval, may be done without a water approval.

Illustrative Examples

A direction to a local government, government entity or distributor-retailer to provide information could be used where a new PDA has been declared and EDQ is undertaking land use and infrastructure planning for the area. EDQ may require certain planning documents from the relevant local government, government entity or distributor-retailer to undertake the PDA planning in an efficient and effective manner.

The MEDQ can also use its directions powers to direct an entity to accept infrastructure. This power may be used where trunk infrastructure, delivered by the MEDQ, needs to be transferred to the entity that will ultimately own the asset. For example, where the MEDQ delivers traffic signals on a local road network it is reasonable for ownership of these assets to be transferred to the relevant local government when constructed.

The classification of trunk infrastructure will occur in the adopted Development Charges and Offsets Plan (DCOP) that supports the PDA. The local government, government entity or distributor retailer will have an opportunity to contribute to the preparation of the DCOP prior to its adoption such that all identified trunk infrastructure is known.

The MEDQ could also direct a distributor-retailer to deliver the infrastructure required to connect a developer to the water/sewer network. This direction could be given where the developer has met their obligations in the PDA development approval, but a required water/sewer connection by the distributor-retailer has not been provided. The MEDQ could use the directions powers to facilitate the water/sewer connection and allow the development to progress.

In instances where the MEDQ uses its directions powers, and as part of the considerations, it will have regard to the holistic infrastructure planning requirements within a PDA, for example, through a DCOP.

What are the Amendments?

The Bill introduces new sections and amends existing sections in the Act in relation to the MEDQ's directions powers.





Proposed Amendments ²	
Economic Development Act 2012	<p>The Bill includes new section 126A into the Act which:</p> <ul style="list-style-type: none">• Applies to distributor-retailers, government entities and local governments.• Provides for the MEDQ to issue a 'directions notice' to provide stated information to the MEDQ by a stated time and in a stated way.• Provides that the direction for information can only be issued if the MEDQ is satisfied it needs the information for the proper and orderly planning, development and management of a PDA or PDA-associated land. <p>The Bill amends the existing directions powers (sections 127 and 128) to:</p> <ul style="list-style-type: none">• Specifically identify distributor-retailers as an entity that can be directed.• State that at least 20 days prior to issuing a direction, the MEDQ must notify the relevant entity of the forthcoming direction.• Provides that if an entity has raised concerns, and the MEDQ proceeds with a direction, the MEDQ must include an explanation of how the concerns have been considered. <p>The Bill amends the existing direction power for the provision or maintenance of infrastructure (section 128) to:</p> <ul style="list-style-type: none">• Clarify that if an action required to be done under a direction would usually require water approval, the action may be done without water approval.

How will the MEDQ have regard to water safety and other standards before directing a distributor-retailer to connect a developer to the water/sewer network?

EDQ ensures appropriate standards are being met through conditions placed on the PDA development approval. These approvals require water and sewer infrastructure to be designed and constructed in accordance with the South East Queensland Water Supply and Sewerage Design and Construction Code (SEQ Code), which are the same standards used by distributor-retailers.

Infrastructure constructed under a PDA development approval are subject to a final inspection and certification to ensure compliance with the pressure performance, water quality standards and asset handover specifications as defined by the SEQ Code.

Additionally, through the development of a DCOP, which is EDQ's strategic infrastructure planning process, EDQ engages with distributor-retailers and local governments to plan PDA infrastructure including water and sewer infrastructure which aligns with the standards and strategic intent for the broader water and sewer networks. The DCOP is a key reference for EDQ when facilitating delivery of water and sewer infrastructure and for checking that development does not compromise water and sewer networks.

Further information

For more information, please contact Economic Development Queensland via EDQ@dasilqp.qld.gov.au

² 'Proposed Amendments' table provides an overview of the amendments. For further detail refer to the Economic Development and Other Legislation Amendment Bill 2024.

