

A guide to key functions of the Coordinator-General

Introduction

The role of the Coordinator-General was originally established in 1938 to coordinate the provision of public infrastructure, encourage development and the creation of jobs in post-Depression times. Over time the role has evolved and the Coordinator-General increasingly plays a key role in Queensland's economic development.

The Coordinator-General administers the [State Development and Public Works Organisation Act 1971](#) (SDPWO Act), along with the relevant Minister. Under the SDPWO Act, the Coordinator-General has wide-ranging powers to plan, deliver and coordinate large-scale projects, while ensuring their environmental impacts are properly managed. These projects, in turn, promote economic and social development in Queensland.

From March 2018, the Coordinator-General has administered the [Strong and Sustainable Resource Communities Act 2017](#) (SSRC Act). This Act is designed to ensure that residents of communities near large resource projects benefit from the construction and operation of them.

The Coordinator-General is a corporation sole, representing the state. The position currently sits within the Department of State Development, Infrastructure and Planning.

Key functions of the Coordinator-General

Under the SDPWO Act, the Coordinator-General can:

- declare a project to be a coordinated project and coordinate the environmental impact assessment of the project
- recommend to the Minister and Governor in Council the declaration of a proposed development to be a prescribed development
- recommend to the Minister to declare a project to be a prescribed project to ensure timely delivery of projects
- recommend to the Minister and Governor in Council to declare part of the state to be a state development area (SDA)
- oversee development by controlling land use, development assessment and acquiring land in SDAs
- recommend to the Minister and Governor in Council that the Coordinator-General, a local body or another person undertake works on behalf of the Coordinator-General
- acquire land or easements for:
 - authorised works
 - works included in a program of works or approved development scheme
 - works to be undertaken by a local body or a department of the state government
 - purposes including establishment of industry, essential services or infrastructure corridors in SDAs
 - a private infrastructure facility

- a wide range of powers to enable the Coordinator-General to access land and materials to complete works
- undertake or commission investigations, prepare plans, give directions and take any other measures the Coordinator-General thinks necessary or desirable to plan, build and regulate infrastructure developments for Queensland
- establish a program of works.

Under the SSRC Act the Coordinator-General can:

- publish a list of large resource projects that must comply with the 100 per cent fly-in, fly-out (FIFO) prohibition and the anti-discrimination provisions of the SSRC Act
- make decisions under the SSRC Act to include additional projects or include or exclude additional towns from the list of large resource projects and nearby regional communities that do not meet the base criteria
- prepare or amend a social impact assessment (SIA) guideline and operational workforce management plan guideline
- evaluate SIAs for large resource projects that require an EIS and set conditions to mitigate and manage their social impacts
- require the owner of a large resource project that has 100 per cent FIFO to prepare an operational workforce management plan
- investigate, enforce and administer the SSRC Act.

The SDPWO Act

Part 3 - Program of works

The Coordinator-General may develop a program of works for any part of Queensland to be undertaken over a set period of time. The works could be undertaken by the Coordinator-General or an agent, or a local body or person required or permitted under legislation to undertake the works.

The program of works must be approved by the Minister and Governor in Council and published in the Queensland Government Gazette. Once gazetted, the program of works is binding on the Coordinator-General and all other persons concerned.

Local bodies include:

- government-owned corporations
- statutory bodies
- other bodies established under an Act
- corporations whose shares are wholly owned by the State and/or local government/s
- subsidiaries of the above-mentioned corporations.

Part 4 - Environmental coordination

Coordinated projects

Proponents of a project with one or more of the following characteristics may apply to have it declared a 'coordinated project' by the Coordinator-General:

- complex approval requirements, involving local, state and federal governments
- significant environmental effects
- strategic significance to the locality, region or state, including for the infrastructure, economic and social benefits, capital investment or employment opportunities it may provide
- significant infrastructure requirements.

There are two types of coordinated project declaration:

- a coordinated project where an Environmental Impact Statement (EIS) is required
- a coordinated project where an Impact Assessment Report (IAR) is required.

In general terms, an EIS is a rigorous and comprehensive environmental impact assessment, involving whole-of-government coordination and public consultation.

The IAR process is considered to be a more fit for purpose form of environmental assessment. The IAR can be used when the environmental effects of a project do not require assessment through the EIS process.

Purpose of the declaration

A coordinated project declaration does not imply government approval of, support for, or commitment to the project in question. Rather, it means the project requires a rigorous and comprehensive environmental impact assessment, involving whole-of-government coordination or the project requires a more focussed IAR.

The declaration does not exempt the project proponent from the need to:

- obtain necessary development approvals
- comply with relevant planning and environment laws and planning instruments.

Evaluation report

The Coordinator-General's evaluation report does not provide an approval in itself, but it may:

- state conditions for a development approval under the [Planning Act 2016](#), for a Mining Lease under the [Mineral Resources Act 1989](#), for an Environmental Authority under the [Environmental Protection Act 1994](#), for a Petroleum Lease under the [Petroleum and Gas \(Production and Safety\) Act 2004](#) and on leases under the [Greenhouse Gas Storage Act 2009](#) and the [Geothermal Energy Act 2010](#).
- recommend conditions for community infrastructure or other projects requiring an EIS or similar statement under other legislation
- impose conditions on projects that do not require other development approvals
- nominate an entity with responsibility over each condition.

Bilateral assessment

The assessment bilateral agreement is an agreement between the Commonwealth of Australia and the State of Queensland that allows the Coordinator-General to conduct a single environmental assessment process that also addresses Commonwealth matters of national environmental significance. The Commonwealth of Australia will make a decision under the [Environment Protection and Biodiversity Conservation Act 1999](#) after considering the Coordinator-General's evaluation report for a project under the bilateral agreement.

Part 5 - Prescribed development

A proposal for the development or processing of mineral or energy resources can be declared a 'prescribed development'.

The Governor in Council may, on the recommendation of the Minister, approve the Coordinator-General undertaking an investigation to determine whether the proposal should be declared a prescribed development, if it appears to the Governor in Council that:

- the proposal will be of major economic significance to Queensland, or
- the provision of infrastructure for the proposal would place an excessive financial burden on the state or significantly affect the state's or a local body's ability to provide services or facilities.

The Coordinator-General is required to submit the findings of the investigation to the Minister. After submission of the findings, a regulation may declare the proposed development as a prescribed development.

Infrastructure coordination plan

For each prescribed development, the Coordinator-General is required to prepare an infrastructure coordination plan. Each plan is prepared in consultation with:

- Queensland Treasury
- local bodies concerned with the prescribed development
- other bodies and persons as the Coordinator-General sees fit.

The plan, after consideration by the Treasurer, is submitted to the Minister for approval. The Governor in Council may, on the recommendation of the Minister, approve the plan.

Once approved, every local body and other person specified in the plan must comply with the requirements of the plan.

Part 5A - Prescribed projects

The Minister may, by gazette notice, declare a project to be a 'prescribed project'. A prescribed project is one which is of significance, particularly economically and socially, to Queensland or a region.

In deciding whether to declare a prescribed project the Minister may consider:

- public interest
- potential environmental effects
- other matters considered relevant.

If a prescribed project is considered to be 'critical or essential' for economic, social or environmental reasons to Queensland, the Minister may also declare it a 'critical infrastructure project'.

Purpose of declaration

The purpose of declaring a project a prescribed project is to overcome any unreasonable delays in obtaining project approvals.

It enables the Coordinator-General, if necessary, to intervene in the approvals process to ensure timely decision-making for the prescribed project by issuing notices to ensure that relevant decision makers undertake actions or decisions, or with ministerial approval issue a 'step in notice' to become the decision maker.

Potential prescribed projects

The types of projects that may be declared prescribed projects include:

- works a 'local body', the Coordinator-General, or other person is directed to undertake under the SDPWO Act
- a project in an SDA
- an infrastructure facility (as defined in the SDPWO Act)
- a project declared a 'coordinated project'
- another project the Minister considers is economically or socially significant to Queensland or the region in which the project is to be undertaken or affects an environmental interest of Queensland or a region.

Part 6 - Planned development

State development areas

SDAs are clearly defined areas of land established by the Governor in Council to promote economic development in Queensland. They typically take the form of one of the following:

- industrial hubs for large-scale, heavy industry, mainly located on the coast of Queensland, in close proximity to ports, rail and major road networks
- multi-user infrastructure corridors for the co-location of infrastructure such as rail lines, water and gas pipelines, and electricity transmission lines
- major infrastructure sites and establishing or relocating essential services.

Each SDA is subject to a development scheme, a regulatory document that controls land-use and infrastructure planning and development in the SDA. The development scheme ensures development in the SDA is well planned and managed. It overrides local and state government planning instruments related to land use planning and development assessment for development that is regulated by the development scheme.

The Coordinator-General is responsible for the planning, establishment and on-going management of SDAs throughout Queensland. In an SDA, the Coordinator-General:

- controls land-use activities
- implements the development scheme
- assesses and approves all development applications for development regulated by the scheme
- has compulsory land acquisition powers.

The declaration of an SDA does not automatically change the ownership of the land within the area. However, the Coordinator-General can use land acquisition powers (with Ministerial and Governor in Council approval) to compulsorily acquire land or easements in an SDA for a particular purpose, such as the establishment of industry or an infrastructure corridor.

The Coordinator-General has the power to confer rights or interest in the land to a third party other than the state. If land is compulsorily acquired, the owner of the land is entitled to compensation in accordance with the process in the [Acquisition of Land Act 1967](#).

Undertaking of works

If the Coordinator-General recommends to the Minister that particular works should be undertaken, and the Minister approves of the recommendation, the Minister shall submit the same to the Governor in Council for approval.

Undertaking of works by the Coordinator-General, local bodies, or approved persons as directed – where such works are approved by regulation, give the Coordinator-General the ability to ensure the works are progressed.

Special powers

The Coordinator-General has the power to take land for works authorised by the Governor in Council. The Coordinator-General has the power to use, lease or dispose of the land if it is consistent with the resumption.

The definition of 'works' under the SDPWO Act is very broad. It includes the whole and every part of any work, project, service, utility, undertaking or function that the Coordinator-General, another person on behalf of the Coordinator-General or a local body is authorised under any Act to undertake. Works can also include works included in a program of works or anything that the Coordinator-General classifies to be works.

The Coordinator-General has the power to temporarily enter private land for authorised works to conduct investigations and/or early construction, including:

- temporarily occupy the land
- carry out an investigation
- dig or bore into the land
- demolish buildings and remove plant and machinery
- construct buildings and bring in plant and machinery
- make roads
- deposit or take earth, timber and other materials.

The Coordinator-General can remain on the land for as long as considered necessary. Where practicable, the Coordinator-General is required to give the occupier of the land (or owner, *in lieu* of any occupier) seven days written notice of the intention to enter the land. A person who claims to have suffered damage resulting from the exercise of the Coordinator-General's power to enter private land is entitled to make a claim for compensation.

Such a claim may include:

- compensation for damage to property of a temporary or permanent nature
- compensation for the taking of clay, soil or other material from the land (excluding water).

Other powers include provision for:

- authorisation to raise or lower the level of water in any body of water or take, divert or use the water in any body of water
- powers for particular works on foreshores and under waters. A regulation can authorise the Coordinator-General on any foreshore or land lying under Queensland waters to take sand, stone, gravel and other material and use it for the works specified in the regulation.

Private infrastructure facility

A proponent of an infrastructure facility may apply to the Coordinator-General for approval as a 'private infrastructure facility' (PIF).

The types of infrastructure facilities that may qualify for consideration as a PIF include (but are not limited to):

- road, railway, bridge or other transport facility
- electricity generation, transmission or distribution facilities
- oil or gas storage, transmission or distribution facilities.

If a facility is approved as a PIF, it means the proponent must negotiate with the registered owner of the land and/or native title holder to purchase the land needed for the facility and/or enter into an indigenous land use agreement. If these negotiations are unsuccessful, the Coordinator-General may, as a last resort, compulsorily acquire the land in question on behalf of the proponent.

Landowners and native title holders have the right to object to any proposed compulsory acquisition of their land or native title rights/interests.

The PIF provisions also include an investigator's authority which may be granted (including before the approval of the PIF) to allow the proponent to investigate the land (for example, corridor route suitability) where access to land for surveys, ground tests etc., are required.

Miscellaneous

Some specific powers include provision for the Coordinator-General to:

- obtain material from a watercourse. The Coordinator-General can obtain from any river, creek, stream or watercourse clay, earth, gravel, sand, stone or other material required by the Coordinator-General for works
- close or open roads if needed for works
- temporarily exclude or divert traffic
- to manage reserves or other lands. The Governor in Council may vest any land reserved and set apart for a public purpose (e.g. reserves, cemetery, park, foreshore or any other building, structure or thing paid for by public money) in the Coordinator-General in fee simple. The control and management of it becomes the function of the Coordinator-General
- encroach upon roads and lands for purposes of works. The Coordinator-General can encroach on any road or any land to lay all tracks, pipes, conduits and material of every description required to the proper functioning of works
- impose or state conditions that must be attached to future approvals and are legally enforceable.

A person must not give the Coordinator-General a document, in relation to functions of the Coordinator-General, that is false or misleading.

Part 7A – Enforcement and general offences

The Coordinator-General can undertake actions to ensure that enforceable conditions or development requirements are met.

An enforceable condition includes a condition of an environmental approval, a decision about a prescribed decision or process, a condition of an SDA approval, and a requirement stated in an approved development scheme for carrying out SDA self-assessable development.

For an enforcement notice to be given, the Coordinator-General must 'reasonably believe' a person is contravening or has contravened an enforceable condition.

The SSRC Act

The SSRC Act:

- prevents the use of 100 per cent FIFO workforce arrangements on operational large resource projects
- prevents discrimination against locals in the future recruitment of workers, through amendments to the *Anti-Discrimination Act 1991*
- makes SIA mandatory for large resource projects
- ensures SIA processes are the same under both the *Environmental Protection Act 1994* (EP Act) and the SDPWO Act
- prioritises recruitment from local and regional communities first, then recruitment of workers who will live in the regional communities, for projects going through an SIA.

100 per cent FIFO prohibition and anti-discrimination

Projects included on the list of large resource projects must adhere to:

- 100 per cent FIFO prohibition during operations. Large resource projects have six months from the date of inclusion on the list to transition their workforce to include recruitment of workers from nearby regional communities
- anti-discrimination provisions ensure that residents of nearby regional communities are treated fairly in the recruitment of future workers to large resource projects and if a worker chooses to live in the nearby regional community they must be allowed to.

The Coordinator-General has investigative powers to administer and enforce the SSRC Act. In order for the Coordinator-General to determine whether an operational large resource project has a 100 per cent FIFO workforce, the owner or any other relevant persons, may be required to provide relevant information regarding its operational workforce arrangements.

Following an investigation, if the project is contravening the 100 per cent FIFO prohibition, the Coordinator-General can require the owner to submit an operational workforce management plan.

Social impact assessment

Preparation of a SIA is required for all large resource projects when undertaking an EIS. The SIA is informed by stakeholder consultation and includes developing management measures for:

- community and stakeholder engagement
- workforce management
- housing and accommodation
- local business and industry procurement
- health and community well-being.

Workforce management practices must prioritise recruitment from local and regional communities first, then those workers who will relocate to nearby regional communities.

The Coordinator-General has developed an SIA guideline detailing what must be included. The Coordinator-General may, as part of evaluating the EIS for the project, state conditions to manage the social impact of the project.

The Coordinator-General is responsible for the evaluation of SIAs for large resource projects undergoing an EIS under both the SDPWO Act and the EP Act, including the setting of conditions and their enforcement.

Further information

For further information contact the Office of the Coordinator-General on 1800 001 048 or via

enquire@coordinatorgeneral.qld.gov.au.

The Coordinator-General

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