

SOUTH BANK CORPORATION ACT AMENDMENT BILL 1993

EXPLANATORY NOTES

GENERAL OUTLINE

Objective of the Legislation

The objective of this Bill is to amend the *South Bank Corporation Act 1989* in order:

- (a) to provide for a restructured Corporation Board;
- (b) to upgrade the requirements of the Corporation for financial and business planning and for reporting to the Minister;
- (c) to pass ownership and control of the Brisbane Convention and Exhibition Centre to the Corporation; and
- (d) to bring the Act into conformity with current parliamentary drafting standards.

With the South Bank Parklands now completed, and the decision of the Government to assign to the Corporation responsibility for the Brisbane Convention and Exhibition Centre, the Corporation faces new and emerging responsibilities in property management, promotion, marketing and in the meetings industry. The proposed amendments will give the Corporation a commercial focus across these areas of responsibility and establish an appropriate basis for business planning and reporting to the Government. The expanded board will allow the necessary mix of skills and experience to be represented.

Reasons for the Bill

The policy objectives can only reasonably be achieved through amendment of the existing Act.

Estimated Cost for Government Implementation

The proposal has no net financial or budgetary impact for the Government.

Consultation

Relevant Government departments, the Corporation, Brisbane City Council and Queensland Rail have been consulted in the preparation of the Bill. All parties support the proposed amendments.

NOTES ON PROVISIONS

Clause 1 provides the formal citation of the Act.

Clause 2 provides for the commencement of the Act on a date to be fixed by proclamation. It is necessary that the appointment of the new Corporation Board and commencement of the Act take place concurrently.

Clause 3 provides that the South Bank Corporation Act 1989 is amended as set down in the Bill.

Clause 4 deletes Section 3 in the interests of tidying up the Act as action under this section is now complete.

Clause 5 updates a number of definitions to clarify matters and bring the Act into line with current drafting standards.

Clause 6 replaces the existing Section 6 (Corporation within shield of Crown) with a new Section 6 (Corporation represents the State) for the purpose of bringing the Act into line with current drafting standards.

Clause 7 replaces Section 7 with a new section which provides for the Governor-in-Council to appoint a Corporation Board of up to 8 members, comprising a chairman, two nominees of Brisbane City Council and not more than 5 others. This change will give the Governor-in-Council discretion to increase the current Board size by up to three members to ensure the Board has the necessary mix of skills across its expanded areas of activity - particularly in relation to the Brisbane Convention and Exhibition Centre. It would be the intention of the Government to nominate two members as at present and to consult with Brisbane City Council on the up to three additional appointments.

Clause 8 provides for a redrafting of Section 8 to bring it in line with current drafting standards. There is no change to the intent of the original section.

Clause 9 amends Section 9 to bring it in line with current drafting standards. There is no change to the intent of the original section.

Clause 10 amends Section 14 by deleting references to the “Registrar of Dealings” which no longer exists.

Clause 11 inserts new Part 3A dealing with the transfer of the Brisbane Convention and Exhibition Centre to the Corporation.

New Sections 15A to 15C inclusive provide for the vesting of project lands in the Corporation in fee simple formerly held by the State and Queensland Rail and for subsequent registration by the Registrar of Titles. Agreement has been reached by the various involved agencies to these transfers.

New Sections 15D to 15G inclusive provide for the transfer of project assets held by the State (mainly office furniture and equipment) and the assignment from the State to the Corporation of a design and construction agreement (yet to be finalised) and the centre management agreement. The project assets and the centre management agreement are assigned on proclamation whilst the design and construction agreement is to be assigned on a date to be prescribed by regulation. This latter circumstance will allow the Administrative Services Department to continue as Principal under the design and construction agreement until construction is essentially completed.

New Section 15H provides that no fee or charges are payable in respect of the land and asset transfers and assignment of agreements, on the basis that the transactions arise from an internal rearrangement of Government responsibilities.

New Section 15I provides for the expiry of new Part 3A after 3 years at which time, the effect of the part should have been achieved. If it has not, the period may be extended by regulation.

Clause 12 replaces Sub-section 23(5) with a new sub-section which gives the Minister additional discretion to exempt any particular or class of land dealings from the need to gain the Minister’s prior approval. This change will allow the Minister to exempt minor land dealings which otherwise would require his approval.

Clause 13 inserts new Sections 38B to 38H dealing with business and financial planning and reporting.

New Section 38B requires the Corporation to prepare a business plan for a period of at least three years from 1st July 1994 covering the matters in new Section 38C and includes the setting of performance indicators to measure the Corporation's success in meeting its objectives. The provision will improve the level of financial and business planning and reporting and assist the Minister in overseeing the Corporation.

New Sections 38D to 38G inclusive deal with procedures for preparing a draft business plan, gaining the Minister's approval and amendment of the business plan.

New Section 38H provides for the Corporation's budget to be approved by the Minister. This brings the Corporation in line with the standards applying to statutory bodies generally where those bodies are not Government owned corporations.

Clause 14 inserts new Sections 39I to 39M inclusive.

New Sections 39I to 39J deal with delegation by the Corporation and committees of the Corporation and replace earlier Sections 42 and 43 respectively. The redrafting is simply to meet current drafting standards and does not change the intent of the earlier sections.

New Section 39K overcomes an administrative problem for both the Corporation and Department of Lands in the registration of plans over the South Bank site. Rather than having to refer to the numerous original deeds of grant at South Brisbane, new plans and certificate of title need refer to the one deed of grant, volume 8536 folio 178.

New Section 39L clarifies the application of the Transport Infrastructure (Railways) Act over the Corporation Area. Under the Transport Infrastructure Act as modified by Section 39L, Queensland Rail approval is required where works are to be constructed over or under Queensland Rail land but such approval can only be denied where issues of railway safety arise. The section places constraints on Queensland Rail also to deal with an application for approval expeditiously within 45 days or as extended by the Governor-in-Council otherwise the works are taken to be approved.

New Section 39M gives the Minister power of direction over the Corporation where this is considered in the public interest after consultation

with the Corporation. The provision accords with current drafting standards relating to statutory bodies.

Clause 15 amends Section 40 dealing with regulation making powers to bring the section into conformity with current drafting standards.

Clause 16 deletes Sections 42 and 43 dealing with delegations and committees respectively. These sections have been redrafted as new Sections 39I and 39J.

Clause 17 replaces Schedule 1 with a new schedule covering additional provisions about members and procedure of the Corporation. The schedule has been redrafted to bring it up to date with current drafting standards and modern meeting practice.

Clause 18 deletes Schedule 3 which identifies land that passed to the Corporation from the Expo Authority when the Act was originally proclaimed. The action is completed and the amendment updates the statute.

Clause 19 inserts new Schedules 10 to 13 inclusive which identify the Brisbane Convention and Exhibition Centre lands the subject of dealings pursuant to new Sections 15A to 15C.