

SOUTHBANK CORPORATION AMENDMENT BILL 1998

EXPLANATORY NOTES

Title of the Bill

Southbank Corporation Amendment Bill 1998

Policy Objectives of the Legislation

The objectives of the legislation are to amend the *South Bank Corporation Act 1989* in order to provide the Corporation with certain powers and responsibilities in relation to the Corporation Area, to amend the plan of the Corporation Area and provide for some road closures and to provide the Minister with the Power to recommend to the Governor in Council the grant of Perpetual Leases in a defined area in the precinct.

Achieving the Policy Objectives of the Legislation

The proposed legislation achieves these objectives by:

- including a provision which enables the Minister administering the legislation to recommend to the Governor in Council that a perpetual lease may be granted over certain land in the Corporation Area;
- by permitting certain road closures consistent with the Masterplan endorsed by Government;
- by rationalising the land holdings currently administered by the Corporation and QPAC (the Queensland Performing Arts Centre) to ensure transparency in relation to the legal and administrative responsibilities of those entities;
- by changing the land descriptions in the Corporation Area to

ensure that the program of works consistent with the Masterplan can be legally undertaken.

Administrative Costs

The administrative cost to Government are those costs associated with the administration of the Corporation (Board meetings, sitting fees etc). The Corporation has received a commitment from Government for the implementation of the Masterplan.

Fundamental Legislative Principles

The Bill is consistent with fundamental legislative principles. Whilst it permits the Minister administering the Act to grant a perpetual lease, that lease may only be granted in a defined part of the Corporation Area and the lessee may not assign the lease without obtaining the consent of the Minister.

Other rights granted in the legislation are for the benefit of the public (i.e. road closure or public amenities).

Consultation

Consultation has occurred with:-

- the Department of Premier and Cabinet;
- Queensland Treasury;
- the South Bank Corporation (including its solicitors and surveyors);
- Crown Law;
- the Office of Parliamentary Counsel; and
- the Department of Natural Resources.

NOTES ON CLAUSES

Clause 1 sets out the title of the proposed Act.

Clause 2 sets out the Commencement date(s) of the proposed Act.

Clause 3 advises that this is an Amendment Act (of the *Southbank Corporation Act 1989*).

Clause 4 Section 4 includes the meaning of QPAT (Queensland Performing Arts Trust).

Clause 5 Part 3 before Section 11 inserts *Division 1 - Corporation Area*.

Clause 6 inserts a new *Division 2 Road Closures, surrenders, vestings and titling*.

Clause 7 amends s.13 of the Act and deals with road closures and boundary changes and the issue of new titles to the Corporation for the respective areas.

Clause 8 amends s.15 of the Act and deals with duty payable on instruments of transfer between QPAC and the Corporation.

Clause 9 amends s.15A(5) and (6) of the Act closes certain roads and creates new titles in the names of the Corporation and Queensland Rail .

Clause 10 amends s.15B and creates certain stratum lots.

Clause 11 amends s.15C and empowers the Registrar to register instruments to give effect to s.15A.

Clause 12 amends the expiry date of s.15I.

Clause 13 amends s.23 to allow the Minister certain powers in relation to land including the power to recommend to the Governor in Council a lease be granted in perpetuity over certain lands in the Corporation Area.

Clause 14 amends Schedule 7 to ensure that there is no “gap” in registration of Titles when one form of title is surrendered to the Registrar of Titles and another is issued.

Clause 15 replaces Schedules 12 and 13 with new Schedules 12 and 13 and includes new Schedules 14 -16.

Definition it should be noted that Perpetual Lease in this Bill is defined as a Lease for 999 years.

