

# **Mineral Resources and Other Legislation Amendment Bill 2006**

## **Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Peter Beattie MP and the Honourable Henry Palaszczuk MP**

### **Title of the Bill**

*Mineral Resources and Other Legislation Amendment Bill 2006:*  
Proposed amendment to the *State Development and Public Works  
Organisation Act 1971*.

### **Objectives of the Amendments**

An addendum to the proposed amendment to the *State Development and Public Works Organisation Act 1971* ('the Act') refining the definition of 'local body' is sought, to explicitly cover wholly government-owned corporations established by wholly government-owned corporations and one or more local governments.

### **Achievement of the Objectives**

The current request for an amendment to the Act suggests the following wording:

#### **Clause 21 Amendment of schedule (Dictionary)**

Schedule, definition local body—

*insert—*

'(d) a corporation whose shares are wholly owned by—

- (i) the State; or
- (ii) the State and 1 or more local governments; or
- (iii) 1 or more local governments.'

However, further legal advice indicates that there could be doubt as to whether this amended definition is sufficient to cover project proponents such as the Southern Regional Water Pipeline Company (a special-purpose company owned by 5 local governments and SEQWater) to be considered as a 'local body'.

While SEQWater is a corporation wholly-owned by State and Local Governments, it is possible that, under the originally proposed amendment, there would be an inability to look beyond the corporation to consider who owned the corporation.

Therefore, the new proposed definition explicitly addresses a corporation that may be established with its shares owned in total by a wholly government-owned corporation in conjunction with one or more local governments.

It is proposed that an extra section to the existing amendment, section (e) be added:

; or

(e) a corporation whose shares are wholly owned by—

(i) a corporation of the type mentioned in paragraph

(d) ; and

(ii) 1 or more local governments.'.

As above, the word 'or' needs to be added to the end of the existing section (d) iii, for continuity from section (d) to the new (e).

Therefore, the revised proposed amendment to the *State Development and Public Works Organisation Act 1971* would read as:

**Clause 21 Amendment of schedule (Dictionary)**

Schedule, definition local body—

*insert—*

'(d a corporation whose shares are wholly owned by—

(i) the State; or

(ii) the State and 1 or more local governments; or

(iii) 1 or more local governments; or

(e) a corporation whose shares are wholly owned by—

- (i) a corporation of the type mentioned in paragraph (d); and
- (ii) 1 or more local governments.’.

### **Estimated Cost for Government Implementation**

There will be no direct cost to government as a result of implementation of the proposed amendment.

### **Consistency with Fundamental Legislative Principles**

There is no inconsistency with fundamental legislative principles.

### **Consultation**

Consultation with officers from the Office of Parliamentary Counsel; Crown Law; Department of Premier and Cabinet; Department of Natural Resources, Mines and Water; Southern Regional Water Pipeline Company; and SEQWater on the proposed addendum to the amendment has been undertaken.

## **NOTES ON PROVISIONS**

Clause 21 of the *Mineral Resources and Other Legislation Amendment Bill 2006* currently provides for corporations that are owned by the State and/or Local Governments to be included within the *State Development and Public Works Organisation Act 1971* definition of a ‘local body’:

### **Clause 21 Amendment of schedule (Dictionary)**

Schedule, definition local body—

*insert—*

‘(d) a corporation whose shares are wholly owned by—

- (i) the State; or
- (ii) the State and 1 or more local governments; or
- (iii) 1 or more local governments.

However, this amendment needs to be further defined with the inclusion of an additional provision for ‘local body’ to also be applicable to a

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corporation whose shares are wholly owned by one or more local governments and a wholly government-owned corporation.

The required change to Clause 21 is that the following be amended:

That the existing:

- (iii) 1 or more local governments.

Be changed to:

- (iii) 1 or more local governments; or

And the following added:

- (e) a corporation whose shares are wholly owned by—
- (i) a corporation of the type mentioned in paragraph (d); and
- (ii) 1 or more local governments.’.