



Queensland

# State Development and Public Works Organisation Amendment Regulation (No. 1) 2011

## Explanatory Notes for SL 2011 No. 18

made under the

*State Development and Public Works Organisation Act 1971*

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## General outline

### Short title

*State Development and Public Works Organisation Amendment Regulation (No. 1) 2011.*

### Authorising law

Section 128(2) of the *State Development and Public Works Organisation Act 1971*.

### Policy objectives and the reasons for them

The objective of the regulation is to divest interests in land which the Coordinator-General acquired under section 125(1)(c) of the *State Development and Public Works Organisation Act 1971* to allow the construction of the Toowoomba Pipeline Project (**Coordinator-General's Interests**), to the Toowoomba Regional Council.

### **Achievement of policy objectives**

To achieve the objective of the regulation, a provision will be inserted into the current *State Development and Public Works Organisation Regulation 2010* which will result in the Coordinator-General's Interests being vested in the Toowoomba Regional Council.

### **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the objectives of section 128(2) of the *State Development and Public Works Organisation Act 1971* which provides that the Coordinator-General may divest any land from the Coordinator-General and vest the same in the Crown, an instrumentality representing the Crown, a local body, or other person whomsoever. Toowoomba Regional Council is a local body in accordance with the *State Development and Public Works Organisation Act 1971*.

### **Inconsistency with policy objectives of other legislation**

The regulation is consistent with the policy objectives of the *State Development and Public Works Organisation Act 1971*, which is a unique piece of legislation and specific to the State of Queensland. The *State Development and Public Works Organisation Act 1971* is not uniform with or complementary to legislation of the Commonwealth or another State.

### **Alternative ways of achieving policy objectives**

The Coordinator-General, Toowoomba Regional Council and the Southern Regional Water Pipeline Company Pty Ltd entered into the Toowoomba Pipeline Sale Agreement in June 2010, under which the Coordinator-General agreed to use his reasonable endeavours to seek the vesting of the land interests (owned by the Coordinator-General) in the Toowoomba Regional Council, pursuant to section 128(2) of the *State Development and Public Works Organisation Act 1971* by way of regulation.

## **Benefits and costs of implementation**

Implementation costs relating to the amendments to the *State Development and Public Works Organisation Regulation 2010* are not expected to be significant.

## **Consistency with fundamental legislative principles**

The regulation is consistent with fundamental legislative principles as the amendment to the current *State Development and Public Works Organisation Regulation 2010* does not involve a decision which may deprive a person of some right, interest or legitimate expectation of a benefit without that person being given an adequate opportunity to be heard by the decision-maker.

The amendment to the current regulation is consistent with an existing head of power contained in the *State Development and Public Works Organisation Act 1971* and is solely required for the purposes of completing and settling the Toowoomba Pipeline Sale Agreement.

## **Consultation**

Consultation has been carried out with the Toowoomba Regional Council (which will ultimately own and operate the Toowoomba Pipeline Project) and the Southern Regional Water Pipeline Company Pty Ltd which currently operates the Toowoomba Pipeline Project, which are both parties to the Toowoomba Pipeline Sale Agreement.

Both parties are supportive of the proposed regulation.

## **Reasons for non-inclusion of information**

Not applicable.

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### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Infrastructure and Planning.

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