



Queensland

Transport Infrastructure (Ports) Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 216

made under the

Transport Infrastructure Act 1994

General outline

Short title

Transport Infrastructure (Ports) Amendment Regulation (No. 1) 2011.

Authorising law

Section 490 of the *Transport Infrastructure Act 1994*.

Policy objectives and the reasons for them

The amendments will remove any ambiguity in the legislative ability of Far North Queensland Ports Corporation Limited to lease, sublease or licence strategic port land at Cairns for development and use as a regional, community or tourism facility.

Cairns Regional Council has approached Far North Queensland Ports Corporation Limited with a view to securing a long term lease of an area of strategic port land. The Council proposes to construct and operate the Cairns Cultural Centre Complex on the leased area, adjacent to the Cairns Convention Centre in the Cairns Central Business District.

Legal advice obtained suggests that, while there are arguments that the granting of a lease for the Cultural Complex is a purpose consistent with the use of the Port, there are counterarguments that it is not within current powers and functions.

The construction and operation of the Cairns Cultural Centre Complex is considered to be significant in providing for the future tourism fabric of the region and it is essential that there is no doubt surrounding the legislative ability of Far North Queensland Ports Corporation Limited to grant the proposed lease.

Achievement of policy objectives

To achieve its objectives, the amendments to the *Transport Infrastructure (Ports) Regulation 2005* will confirm that Far North Queensland Ports Corporation Limited has the ability to lease, sublease or licence strategic port land at Cairns for development and use as a regional, community or tourism facility.

Consistency with policy objectives of authorising law

Section 275 of the *Transport Infrastructure Act 1994* provides for the function of a port authority including provisions where it is possible for the port authority to make land available for specific uses.

Inconsistency with policy objectives of other legislation

There are no inconsistencies with the policy objectives of other legislation.

Benefits and costs of implementation

There will be no additional costs imposed upon government. The benefit of implementing the amendments will remove any ambiguity in the current legislation.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

Consultation

Far North Queensland Ports Corporation Limited and the Department of Justice and Attorney-General have been consulted and support the amendments.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Transport and Main Roads.

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