



Queensland

Land Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 45

made under the
Land Act 1994

General outline

Short title

Land Amendment Regulation (No. 1) 2012.

Authorising law

Section 448 of the *Land Act 1994*

Policy Objectives and the reasons for them

The objective of the Regulation is to amend the *Land Regulation 2009* to continue the rental capping for certain State land leases.

The implementation of land valuation reform related to all non-rural land in Queensland, this reform combined with market movements since previous valuations would cause some State land lease rents in the island and mainland tourism to increase substantially.

These increases would occur when the State is still affected by the recent natural disasters. The Tourism Industry which has many leases on State land has been the hardest hit by these natural disasters. Whilst there are hardship provisions under the *Land Act 1994* which can assist these lessees, additional mitigation measures are needed to ameliorate the impacts of rent increases.

Achievement of policy objectives.

The objective of the Regulation is to continue to provide the necessary machinery to allow the effective administration of the *Land Act 1994*. One of the main components to the *Land Regulation 2009* relates to financial matters including rentals for leases over state land.

By capping of rental increases the government will be mitigating against tourism lessees suffering hardship due to high rental increases at a time when Queensland is still recovering from the recent natural disasters. To respond to the particular needs of the tourism industry the rental capping for tourism leases will continue for the next three financial years.

Consistency with authorising law

The regulation is consistent with part 2 of the Act which requires land to be managed for the benefit of the people of Queensland.

Inconsistency with policy objectives of other legislation.

Not applicable.

Benefits and cost of implementation.

Implementation will be done within current departmental budgets. Many lessees on State owned land will benefit from a reduction of rentals.

Consistency with Fundamental Legislative Principles

The regulation is consistent with fundamental legislative principles.

Consultation

The Department of the Premier and Cabinet and Queensland Treasury were consulted regarding the proposed amendments.

As the extension of rental capping will benefit the tourism industry no other consultation was undertaken with this industry.

The Queensland Office for Regulatory Efficiency was consulted in relation to the need for a Regulatory Assessment Statement (RAS) and advised that a RAS was not considered necessary.

Notes on Provisions

Part 1 Preliminary

Short title

Clause 1 provides the short title of the regulation.

Regulation amended

Clause 2 of this regulation amends provisions in the *Land Regulation 2009*.

Set rent for particular leases -Act, s 183A

Clause 3 amends section 38A by extending the existing cap of 10 % on rental increases for leases held for tourism purposes until 30 June 2015.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.