

River Improvement Trust Regulation 2013

Explanatory notes for SL 2013 No. 166

made under the

River Improvement Trust Act 1940

General Outline

Short title

River Improvement Trust Regulation 2013.

Authorising law

Section 22 of the *River Improvement Trust Act 1940*.

Policy objectives and the reasons for them

The objective of the Regulation is to continue the effect under the *River Improvement Trust Act 1940* (RIT Act) of the essential provisions of the *River Improvement Trust Regulation 1998* (RIT Regulation) and to discontinue the redundant provisions in the RIT Regulation.

Achievement of policy objectives

The Regulation achieves the policy objectives by repealing the RIT Regulation and continuing the existence of only the essential provisions of the RIT Regulation in *River Improvement Trust Regulation 2013* (the Regulation). The essential provisions in the RIT Regulation which are included in the Regulation include the provisions continuing the existence of certain river improvement areas and trusts. Redundant provisions in the RIT Regulation have not been included in the Regulation.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the RIT Act that allows for the making of regulations under the Act.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Benefits and costs of implementation

The Government will not incur any additional costs in the implementation of this legislation.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principals.

Consultation

No consultation is proposed for the Regulation as it does not impose any new requirements on the river improvement trusts and only contains provisions which are in the RIT Regulation and essential for the continued operation of the trusts.

The Office of Best Practice Regulation, Queensland Competition Authority has confirmed that a Regulatory Impact Statement is not required for the making of the Regulation.

Clauses

Clause 1 provides for the name of the regulation - the *River Improvement Trust Regulation 2013*.

Clause 2 provides for the regulation to commence on 23 August 2013.

Clause 3 provides for the continuation of all existing river improvement trusts at the commencement of the regulation. The clause details the area for each trust, its name and the whole or part of the local government area to which the trust is included. These details are provided for in Schedule 1 of the regulation. The Burdekin Shire Rivers Improvement Trust is also included in the schedule for completeness and information only as this Trust was established and continues in existence under provisions in the River Improvement Trust Act 1940.

The following notes provide a detailed summary of the evolution of the current Burdekin Trust area.

Before the Burdekin Shire Rivers Improvement Area was continued in existence under section 3(1) of the Act (as enacted on 5 December 1997), the river improvement area was, under section 3 of the Act as previously in force, required to be constituted under an order in council (later, a regulation) and to comprise the whole or part of any local government area included under the order in council (or later, a regulation).

The repealed order in council published in the gazette on 4 October 1980 (at page 561) amended the original order in council constituting what later became the Burdekin Shire Rivers Improvement Area to provide for the river improvement area to comprise the parts of the then Shire of Ayr (later renamed Shire of Burdekin) shown on Plan No. A1-60594 held in the then Office of the Commissioner of Water Resources.

Under section 3(3) of the Act, a regulation may add all or part of a local government area or river improvement area to the Burdekin Shire Rivers Improvement Area. Under the repealed River Improvement Trust Regulation 1987, section 6AA, the Burdekin Shire Rivers Improvement Area was expanded by the addition of the former Haughton River Improvement Area and the remaining part of the Burdekin Shire local government area not already included in the Burdekin Shire Rivers and Haughton River improvement areas.

Clause 4 provides for each improvement notice issued by a trust, to be given a unique identifying number by the trust.

Clause 5 states that each trust must keep and maintain a register of all its improvement notices it issues and details the information to be included in that register, including a copy of the notice itself, and if not included in the copy of the notice, the names and addresses of the person to whom the notice is issued, the date of issue and a real property description of the land or part of a lot to which the notice relates. Such register is to be made available by the trust for free inspection during normal business hours of the trust.

Clause 6 provides that trusts must submit their annual budgets to the chief executive for approval, on or before 31 August in each year.

Clause 7 provides that each trust may pay its secretary a reasonable allowance for those duties decided and approved by the trust and carried out under section 6(2) of the Act. This recognises that trust secretaries may not perform trust duties exclusively in their day to day work profile.

Clause 8 repeals the River Improvement Trust Regulation 1998.