

South Bank Corporation Regulation 2014

Explanatory notes for Subordinate Legislation 2014 No. 175

made under the

South Bank Corporation Act 1989

General Outline

Short title

This regulation may be cited as the *South Bank Corporation Regulation 2014*.

Authorising law

This regulation is made under section 116 of the *South Bank Corporation Act 1989* (the Act).

Policy objectives and the reasons for them

The *South Bank Corporation Regulation 2014* (the Regulation) is a remaking of the *South Bank Corporation Regulation 2003* (the original regulation) which will expire on 1 September 2014. The original regulation was due to expire on 1 September 2013 by operation of the *Statutory Instruments Act 1992* (SIA) but was exempted from such expiry by virtue of Part 7, section 56A(1)(a)(i) of the SIA.

The exemption from expiry of the original regulation was approved in the context that the government was then considering the future of the South Bank Corporation (Corporation) following amendments to the *South Bank Corporation Act 1989* (the Act) made in the *Economic Development Act 2012* (EDA). It was recognised that the exemption was necessary to ensure that the effective administration of the Act was maintained whilst the Corporation retained certain legislative obligations.

The EDA amendments to the Act reduced the role of the Corporation by transferring planning assessment powers to the Brisbane City Council, in part. They also clarified and confirmed the ability of the Corporation to contract out its responsibilities for Parkland management. These amendments did not necessitate any changes to the original regulation (other than those required to meet current drafting practices of the Office of the Queensland Parliamentary Counsel (OQPC)).

The government is still considering the future of the Corporation and the reasons for remaking the Regulation remain the same as those relied upon for previously exempting it from expiry.

Achievement of policy objectives

The Corporation is obliged to carry out its objectives and functions which include the requirement to promote, facilitate, carry out and control development, disposal and management of land and other property within the Corporation area. The remade Regulation will ensure that fulfilment of these objectives can continue until the Corporation's future is resolved.

The Regulation will provide ongoing process and form requirements for registration of standard form survey plans, other instruments and the process of approval of forms for land within the Corporation area.

Drafting amendments reflect OQPC's current drafting standards and also amends a number of references to section numbers in the Act. There has been no change to the policy intent or fees within the regulation.

Consistency with policy objectives of authorising law

The Regulation is consistent with ensuring that the Corporation can continue as a viable entity able to conduct its operations as authorised by the Act, particularly in relation to the preparation and registration of plans and instruments other than plans (for example, in relation to subdivisions, amalgamations, boundary adjustments and transfers).

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The Regulation is required to be remade pursuant to Part 7, section 56A(1)(a)(i) of the SIA under which it was originally exempted from expiry.

It is inappropriate to undertake a full review and assessment of the subordinate legislation in the circumstances of the government's consideration of the Corporation's future. Similarly it is inappropriate to allow the subordinate legislation to lapse as it will make operations for the Corporation almost impossible.

Benefits and costs of implementation

Unless the Regulation is remade as proposed the Corporation cannot continue to function and developers, commercial and residential long-term lease holders will be unable to deal with their interests in land within the Corporation area.

Consistency with fundamental legislative principles

The remaking of the Regulation is consistent with fundamental legislative principles.

Consultation

The Office of Best Practice Regulation in the Queensland Competition Authority was consulted, and confirmed that the remade regulation is unlikely to have any significant regulatory impact.

