

# **State Development and Public Works Organisation (New Performing Arts Venue) Amendment Regulation 2020**

Explanatory notes for SL 2020 No. 14

made under the

*State Development and Public Works Organisation Act 1971*

## **General Outline**

### **Short title**

The short title of the regulation is the *State Development and Public Works Organisation (New Performing Arts Venue) Amendment Regulation 2020* (the amendment regulation).

### **Authorising law**

Sections 108, 109 and 173 of the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

### **Policy objectives and the reasons for them**

In May 2018, the Queensland Government announced a commitment of \$125 million over four years to deliver a new 1,500 seat theatre (the New Performing Arts Venue (NPAV)) to be located on the Playhouse Green at South Bank, co-located with and operated by the Queensland Performing Arts Centre (QPAC). QPAC will also contribute \$25 million towards the \$150 million project. The State of Queensland (represented by Department of Environment and Science (DES)) is the responsible entity for the delivery of the NPAV project.

It has been announced that the theatre will be completed in 2022. To enable delivery of the NPAV, easements, traffic diversions, the opening, closing or rearranging of roads and access to private and state land for investigative purposes and temporary works may be required, with early works required to commence in March 2020.

To allow DES to deliver the project within the required timeframes, DES has requested that the Coordinator-General facilitate the project through the use of various functions and powers of the Coordinator-General under the *State Development and Public Works Organisation Act*

1971, including but not limited to those which relate to land access and road closures. The proposed amendments to the *State Development and Public Works Organisation Regulation 2010* are required to enliven these functions and powers.

## **Achievement of policy objectives**

The objective of the amendment is to create a new section within the *State Development and Public Works Organisation Regulation 2010* that directs the Coordinator-General to undertake certain works, in accordance with sections 108 and 109 of the SDPWO Act. The intent is that the Coordinator-General will be able to exercise functions and powers to undertake works for the purpose of facilitating the New Performing Arts Venue (NPAV) project. Those functions and powers are expected to include access to land and the rearrangement and closure of roads.

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

The amendment regulation is consistent with the primary objectives of the SDPWO Act and the *State Development and Public Works Organisation Regulation 2010*.

The Coordinator-General's functions and powers under the SDPWO Act are intended to facilitate large-scale and complex projects while ensuring their environmental and social impacts are properly managed.

The amendment regulation is also consistent with Part 6, Division 4 (Undertaking of works by Coordinator-General) of the SDPWO Act. Sections 108 and 109 within Division 4 state that a regulation may direct the Coordinator-General or other person to undertake works, following consideration and approval of the regulation by the Governor in Council.

This has been done previously for projects such as the Building Future Schools Fund Projects and the Rookwood Weir Project.

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

The amendment regulation is consistent with the policy objectives of other legislation.

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

Alternative ways of achieving the policy objectives (including the option of not making subordinate legislation) have not been adopted regarding the NPAV project.

DES will not be able to deliver the NPAV project within the required timeframes without the use of the Coordinator-General's functions and powers under the SDPWO Act and the amendment regulation.

## Benefits and costs of implementation

NPAV will meet a growing audience and tourism demand, create new employment opportunities, strengthen Brisbane's cultural tourism offering and support continued growth of performing arts in Queensland. Once completed, it is anticipated that the NPAV has the potential to host an additional 300,000 visitors each year when fully operational.

Any costs associated with the Coordinator-General exercising their powers under the amendment regulation will be recovered from DES.

## Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles.

## Consultation

The Department of Housing and Public Works (DHPW) has been appointed by DES to facilitate delivery of the NPAV. DHPW has facilitated consultation with the parties affected by the permanent volumetric road closure and transfer of land required (the Brisbane City Council and the South Bank Corporation). The parties have been provided detailed information in relation to the project to ensure adequate assessment of the impact on their interest and were afforded opportunity to comment to ensure best practice and agreed outcomes were achieved. DHPW and DES continue to liaise with the parties as the project progresses. There is no impact on the general public therefore public consultation is not required.

A project website (<https://www.hpw.qld.gov.au/about/initiatives/performing-arts-venue>) is available to provide public access to concept design and Frequently Asked Questions and provides contact details for any queries. Arts Queensland also promote the progress of the project via social media.

The Office of Best Practice Regulation (OBPR) in the Queensland Productivity Commission was consulted under the *Queensland Government Guide to Better Regulation* (the guidelines) to determine if further assessment was required under the regulatory impact assessment system. OBPR advised that the proposed amendment relates to the internal management of the public sector, where a function is moved between departments and determined that the proposed amendment appears unlikely to result in significant adverse impacts as there is nil impact on the owner of the land or the general public. Accordingly, the proposal is excluded from further regulatory impact assessment under the guidelines.