

# Local Government Amendment Regulation 2021

Explanatory notes for SL 2021 No. 177

made under the

*Local Government Act 2009*

## General Outline

### Short title

*Local Government Amendment Regulation 2021*

### Authorising law

Section 270(2)(g) of the *Local Government Act 2009*

### Policy objectives and the reasons for them

The policy objectives of the *Local Government Amendment Regulation 2021* (the Regulation) are to amend the *Local Government Regulation 2012* (LGR) to extend the end date for imposition of the tourist infrastructure levy on each Kuranda rail operator under the LGR and the expiry date for chapter 3, part 4 of the LGR.

Chapter 3, part 4 of the LGR contains provisions specific to the levy on the railway between Cairns and Kuranda (the Kuranda rail line). Section 66 imposes a tourist infrastructure levy (at the rate of \$1 for each passenger journey to or from Kuranda) on each Kuranda rail operator until 31 December 2021 and section 70 provides that chapter 3, part 4 expires on 30 June 2022 (six months after the imposition of the current levy ends). Queensland Rail is the current Kuranda Scenic Railway operator.

The current Kuranda Infrastructure Agreement 2021 (Kuranda Agreement) between the State and the Mareeba Shire Council (the Council) provides for the permitted use of monies collected by the State from levies on the Kuranda Scenic Railway and the Skyrail Rainforest Cableway and paid to the Council.

In particular, the Kuranda Agreement provides that the State shall pay the Council monies collected from the levy imposed on the Kuranda rail operator under the LGR and that the

Council must use the funds to provide and maintain amenities which will enhance visitors' experience, enjoyment and environmental understanding of the Kuranda area while supporting the wellbeing of the Kuranda community. The Kuranda Agreement is due to expire on 31 December 2021.

Following a review of the current Kuranda arrangements, a new ten-year Kuranda Infrastructure Agreement was developed, in consultation with the Council, to govern the disbursement of levy monies from the Kuranda Scenic Railway to the Council to support investment in new infrastructure and capital maintenance in Kuranda.

Amendments are required to extend the end date for imposition of the tourist infrastructure levy on each Kuranda rail operator under the LGR and the expiry date for chapter 3, part 4 of the LGR for a further ten years to cover the life of the proposed new Kuranda Infrastructure Agreement.

## **Achievement of policy objectives**

The policy objectives are achieved by amending:

- section 66(1) of the LGR to extend the end date of 31 December 2021 for imposition of the tourist infrastructure levy on each Kuranda rail operator to 31 December 2031
- section 70 of the LGR to provide that chapter 3, part 4 of the LGR expires on 30 June 2032 rather than on 30 June 2022 to take into account the proposed new end date of 31 December 2031 for imposition of the tourist infrastructure levy.

The new end date of 31 December 2031 for imposition of the tourist infrastructure levy aligns with the term of the proposed new Kuranda Infrastructure Agreement.

The amendments and the new Kuranda Infrastructure Agreement take effect on 1 January 2022.

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

The Regulation is consistent with the purposes of the *Local Government Act 2009* which include providing for the nature and extent of a local government's responsibilities and powers and a system of local government that is accountable, effective, efficient and sustainable (section 3).

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

The Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefits of the Regulation are the continued provision and maintenance of infrastructure that will enhance visitors' experience, enjoyment and environmental understanding of the Kuranda area.

Any costs to Government of implementing the Regulation will be met through normal budgetary processes.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

## **Consultation**

The Council was consulted in relation to the proposed new Kuranda Infrastructure Agreement and has no objections.

A self-assessment by the Department of State Development, Infrastructure, Local Government and Planning determined that the Regulation was excluded from further regulatory impact analysis under the *Queensland Government Guide to Better Regulation* exclusion category (g) ‘regulatory proposals that are of a machinery nature’.