

Surat Basin Rail (Infrastructure Development and Management) (Postponement) Regulation 2013

Explanatory Notes for SL 2013 No. 210

made under the

Surat Basin Rail (Infrastructure Development and Management) Act 2012

General Outline

Short title

Surat Basin Rail (Infrastructure Development and Management) (Postponement) Regulation 2013

Authorising law

Section 2 of the *Surat Basin Rail (Infrastructure Development and Management) Act 2012* (SBR Act).

Policy objectives and the reasons for them

The objective of the regulation is to extend the time for commencement of the SBR Act to a date to be fixed by proclamation prior to 9 November 2014.

The objective of the SBR Act is to create a specific legislative framework for the development and management of the proposed Surat Basin Rail (SBR) which will complement existing arrangements for rail infrastructure in Queensland and protect the State's interests under the proposed concession agreements which will govern the construction and operation of the SBR.

The SBR is a private project of the Surat Basin Rail Joint Venture private sector consortium and proposes the construction of a new 214 kilometre railway between Wandoan and Banana to enable the commencement of large-scale mining and export of thermal coal from the Surat Basin.

The SBR Act received assent on 8 November 2012 and provides for the Act to commence on a day to be fixed by proclamation. In late November 2012 the Surat Basin Rail Joint Venture advised the government that due to market conditions it had delayed the timeframes for the development of the SBR project. As a result of the delay in the SBR project, the Coordinator-General discontinued the program to acquire interests in land for the SBR corridor. As the timeframes for the development of the SBR are uncertain, it is not necessary to commence the SBR Act at this time.

The regulation prevents the automatic commencement of the SBR Act one year after the assent day by extending the time for commencement of the SBR Act for up to two years after the assent day, pursuant to section 15DA of the *Acts Interpretation Act 1954*.

Achievement of policy objectives

The policy objective is achieved by extending the time for commencement of the SBR Act until a date to be fixed by proclamation prior to 9 November 2014.

Consistency with policy objectives of authorising law

The regulation will extend the time for commencement of the SBR Act to allow the commencement of the SBR Act to proceed in line with the timeframes for the development of the SBR project. This is consistent with the main objectives of the SBR Act, which is to create a specific legislative framework for the development and management of the proposed SBR.

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 regulation is not expected to have any significant budgetary implications for government as it only extends the time for commencement of the SBR Act to a date to be fixed in the future. The extension of the time for commencement will allow the SBR Act to proceed in line with the timeframes for the development of the SBR project.

Consistency with fundamental legislative principles

The regulation does not conflict with fundamental legislative principles.

Consultation

The regulation has been prepared in consultation with the Office of the Queensland Parliamentary Counsel. The Office of Best Practice Regulation has confirmed that the making of the regulation does not require a Regulatory Impact Statement.

No specific consultation has been undertaken with other State agencies or other persons about the regulation, as it is not necessary for the SBR Act to be in force at this time.

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