



Queensland

Planning and Environment Court Amendment Rule (No. 1) 2011

Subordinate Legislation 2011 No. 58

made under the

Sustainable Planning Act 2009

Contents

		Page
1	Short title	2
2	Rule amended	2
3	Amendment of r 27 (Experts attending meeting must prepare joint report)	2

[s 1]

1 Short title

This rule may be cited as the *Planning and Environment Court Amendment Rule (No. 1) 2011*.

2 Rule amended

This rule amends the *Planning and Environment Court Rules 2010*.

3 Amendment of r 27 (Experts attending meeting must prepare joint report)

(1) Rule 27(2)—

omit.

(2) Rule 27(3)—

renumber as rule 27(2).

(3) Rule 27—

insert—

‘(3) Despite subrule (1), any of the experts may do any of the following—

(a) participate in a mediation involving the parties;

(b) at any time before the joint report is finished, give 1 or more of the parties a notice—

(i) asking the recipient to respond to a request for information or other inquiry which may assist the proper and timely conduct or conclusion of the meeting or preparation of the joint report; or

(ii) informing the recipient of any matter affecting the proper and timely conduct or conclusion of the meeting or preparation of the joint report.

Example for subparagraph (ii)—

informing parties of a delay in gathering data for use in the joint report

‘(4) However, the notice may be given to a party only if—

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- (a) all of the experts agree to the giving of the notice or, if the experts do not agree, the notice states the basis of the disagreement between the experts; and
 - (b) the notice is in writing; and
 - (c) a copy of the notice is given to all the experts and the other parties at the same time as the notice is given to the party.
- ‘(5) The recipient may respond to the notice only if—
- (a) the response is made in a document not more than 10 business days after the notice is received by the recipient; and
 - (b) a copy of the response is first given to all the parties at the same time; and
 - (c) the response is made not less than 5 business days, or the shorter period agreed to by the parties, after the copy of the response is given to the parties; and
 - (d) a copy of the response is given to all experts, not given the response under paragraph (c), at the same time as the response is made.
- ‘(6) Despite subrule (1), a party (the *requesting party*) may request the experts prepare a report (the *conduct report*) about the proper and timely conduct or conclusion of the meeting, or preparation of the joint report, if a copy of the request is given to all other parties at the same time the request is made.

Example—

A party may request an update on when the joint report will be completed.

- ‘(7) The conduct report may be given to the requesting party only if—
- (a) the conduct report is given not more than 2 business days after the request is received by the experts; and
 - (b) all of the experts agree to the giving of the conduct report or, if the experts do not agree, the conduct report states the basis of the disagreement between the experts; and

[s 3]

- (c) the conduct report is in writing; and
 - (d) a copy of the conduct report is given to all the other parties at the same time as the conduct report is given to the requesting party.’
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ENDNOTES

1. Made by the Governor in Council on 19 May 2011.
2. Notified in the gazette on 20 May 2011.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Local Government and Planning.

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