



Queensland

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

Explanatory Notes for SL 2011 No. 58

made under the

Sustainable Planning Act 2009

General outline

Short title

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

Authorising law

Section 445 of the *Sustainable Planning Act 2009*

Policy objectives and the reasons for them

Rule 27 provides for attendance at meetings and the preparation of joint reports (for Court) by experts. The general rule is that the report has to be prepared without instruction from the other parties. However, Rule 27(2) provides for a limited exemption whereby experts may ask all parties to respond to an inquiry, prior to the preparation of the joint report.

The District Court of Queensland has determined that the exemption to Rule 27(2) is not sufficiently broad enough to cover all circumstances in which it is necessary, or appropriate, for experts to have some communications, notwithstanding the general rule.

Achievement of policy objectives

The amendments allow, where necessary and appropriate for experts and parties to do so, some communications notwithstanding the general rule.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objects of the *Sustainable Planning Act 2009*.

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 provides the necessary framework to achieve the above objectives. There are no other viable alternatives that would achieve these policy objectives.

Benefits and costs of implementation

The implementation of the Rules is undertaken by the Department of Justice and Attorney-General and the Courts.

There are no other viable alternatives that would achieve these policy objectives.

Consistency with fundamental legislative principles

The regulation has been drafted with regard to the fundamental legislative principles (FLP) as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Office of the Supreme and District Courts has been actively involved in and supportive of the proposed amendments.

In accordance with section 445 of SPA, concurrence on the proposed *Planning and Environment Court Rules 2010* has been obtained from the District Court on the proposed amendments to the subordinate legislation. The Queensland Law Society and the Bar Association of Queensland is also supportive of the proposed amendments.

The Queensland Office for Regulatory Efficiency (QORE) has advised that a Regulatory Assessment Statement (RAS) is not required for the Rule amendments as it is excluded from the RAS system as it relates to the administration of Court and Corrective Services

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Local Government and Planning.

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