



Queensland

Land Court Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 303

made under the

Land Court Act 2000

General outline

Short title

Land Court Amendment Regulation (No. 1) 2011.

Authorising law

Sections 19(4) and section 78 of the *Land Court Act 2000*

Policy objectives and the reasons for them

The purpose of this Amendment Regulation is to amend the *Land Court Regulation 2010* to:

- preserve the rights accrued as a public service officer of the public service officer further appointed as an acting member of the Land Court under section 19 of the *Land Court Act 2000* on 15 December 2011 and whose further term of appointment starts on 15 April 2012 so that:
 - the public service officer is entitled to be re-employed in the public service after the further term of appointment has ended at the level of the public officer's position in the public service prior

to his first appointment as an acting member of the Land Court;
and

- in the event that the public service officer returns to the public service after the term of the further appointment has ended, the public service officer's further service as an acting member is to be regarded as service in the public service for the purpose of deciding the officer's rights as an officer of the public service.

Section 19 of the Act clearly contemplates the appointment of acting members of the Land Court; and if the acting member is a public service officer the preservation of his/ her rights as a public service officer. It is appropriate for the conduct of the business of the Land Court that the acting member be further appointed and that the acting member's rights as a public service officer continue to be preserved during the term of the further appointment.

Achievement of policy objectives

The regulation amends the *Land Court Regulation 2010* to achieve the stated objectives.

Consistency with policy objectives of authorising law

The regulation is generally consistent with the main objectives of the *Land Court Act 2000*.

Section 19 of the *Land Court Act 2000* provides as follows-

- (1) The Governor in Council may appoint a person to act as a member (other than as president) -
 - a) during any period when a member is absent from duty or can not, for another reason, perform the functions of a member; or
 - b) if the conduct of the business of the court, in the opinion of the Governor in Council, requires the appointment.
- (2) An acting member is appointed on a part-time or full-time basis for the term (not more than 2 years) stated in the member's instrument of appointment.
- (3) The provisions of this Act applying to members of the court also apply to an acting member to the extent the application is possible.

(4) The rights of a public service officer appointed as an acting member may be preserved under a regulation.

Section 3 of the *Land Court Regulation 2010* preserves the rights of the public service officer appointed as an acting member of the Land Court under section 19 of the Act on 15 April 2010. The amendment regulation extends the preservation of the rights of the same public service officer who was further appointed as an acting member of the Land Court under section 19 of the *Land Court Act 2000* on 15 December 2011 and whose further term of appointment starts on 15 April 2012.

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 consequential to the further appointment of a public service officer as an acting member of the Land Court. There will be minimal costs for government associated with the implementation of this amendment.

Consistency with fundamental legislative principles

This regulation does not raise any fundamental legislative principle issue for consideration.

Consultation

Treasury were consulted about whether the regulation required a regulatory assessment statement.

The Department of the Premier and Cabinet were consulted about the regulation.

The regulation is consequential upon the further appointment of an acting member of the Land Court and therefore consultation outside Government was not required.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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