

# **Environmental Protection (Underground Water Management) and Other Legislation Amendment Act 2016**

Explanatory Notes for SL 2017 No. 66

made under the

*Environmental Protection (Underground Water Management) and Other Legislation Amendment Act 2016*

## **General Outline**

### **Short title**

*Environmental Protection (Underground Water Management) and Other Legislation Amendment Act 2016*

### **Authorising law**

Section 2 of *Environmental Protection (Underground Water Management) and Other Legislation Amendment Act 2016* (the Act) provides that part 3 will commence on a date to be fixed by Proclamation.

### **Policy objectives and the reasons for them**

The objective of the Proclamation is to commence the provisions of the Act not currently in force on 5 May 2017 and update existing provisions in the *Queensland Heritage Act 1992* to provide for the appointment, by local government, of appropriate authorised persons to carry out compliance and enforcement activities for the local heritage place provisions.

Under the *Queensland Heritage Act 1992*, local government has certain functions and powers in relation to the local heritage places in that local government's area. These are places that are either identified as being of local cultural heritage significance in a local heritage register made under the *Queensland Heritage Act 1992* or the local government's planning scheme made under the *Sustainable Planning Act 2009*. However, due to an oversight in the 2014 amendments that introduced these functions and powers into the *Queensland Heritage Act 1992*, provision was not made for local government employees to be appointed as authorised persons in relation to those functions and powers. Following on from this, the scope of the functions and powers of these authorised persons were not appropriately defined. The purpose of the amendments to the *Queensland Heritage Act 1992* in part 3 of the Act is to address these

omissions, without changing the existing provisions about authorised persons appointed by the chief executive.

## **Achievement of policy objectives**

The policy objectives of the Act will be achieved by commencement of its remaining provisions on 5 May 2017.

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

The Proclamation is consistent with the policy objectives of the Act.

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

The Proclamation is not inconsistent with any policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

There are no alternative means for achieving the purpose of the Proclamation.

## **Benefits and costs of implementation**

The benefit of the Proclamation is that it will commence all provisions of the Act not yet in force. The costs of implementing the amendments will be met from within existing departmental resources.

## **Consistency with fundamental legislative principles**

The Proclamation raises no issues with regard to fundamental legislative principles.

## **Consultation**

Extensive consultation was undertaken prior to passage of the *Queensland Heritage and Other Legislation Amendment Act 2014*, the outcome of which had been widespread support for the inclusion of the local heritage place provisions in the *Queensland Heritage Act 1992*. The Local Government Association of Queensland supported part 3 of the Act in its submission to the Parliamentary Committee reviewing it.

Queensland Treasury and the Department of the Premier and Cabinet were consulted and had no concerns about the Proclamation.

The Proclamation has been self-assessed by the Department of Environment and Heritage Protection as being excluded from further regulatory impact analysis under the Queensland Government Guide to Better Regulation (August 2016) on the basis that it is of a machinery nature only.