

Planning (Consequential) and Other Legislation Amendment Regulation 2017

Explanatory notes for SL 2017 No. 103

made under:

Body Corporate and Community Management Act 1997
Building Act 1975
Coastal Protection and Management Act 1995
Disaster Management Act 2003
Economic Development Act 2012
Electricity Act 1994
Environmental Offsets Act 2014
Environmental Protection Act 1994
Fisheries Act 1994
Liquor Act 1992
Local Government Act 2009
Nature Conservation Act 1992
Planning Act 2016
Plumbing and Drainage Act 2002
Prostitution Act 1999
Queensland Building and Construction Commission Act 1991
Queensland Heritage Act 1992
Regional Planning Interests Act 2014
Rural and Regional Adjustment Act 1994
South-East Queensland Water (Distribution and Retail Restructuring) Act 2009
State Development and Public Works Organisation Act 1971
State Penalties Enforcement Act 1999
Supreme Court of Queensland Act 1991
Transport Infrastructure Act 1994
Transport Planning and Coordination Act 1994
Vegetation Management Act 1999
Waste Reduction and Recycling Act 2011
Water Act 2000
Wet Tropics World Heritage Protection and Management Act 1993
Wine Industry Act 1994

General Outline

Short title

Planning (Consequential) and Other Legislation Amendment Regulation 2017

Authorising law

Section 322 of the Body Corporate and Community Management Act 1997

Section 261 of the Building Act 1975

Section 167 of the Coastal Protection and Management Act 1995

Sections 19A and 148 of the Disaster Management Act 2003

Section 176 of the Economic Development Act 2012

Section 263 of the Electricity Act 1994

Sections 19, 19A, 25A, 93, and 95B of the Environmental Offsets Act 2014

Section 580 of the Environmental Protection Act 1994

Sections 23, 52 and 223 of the Fisheries Act 1994

*Section 235 of the Liquor Act 1992**Section 270A of the Local Government Act 2009*

Sections 120H and 175 of the Nature Conservation Act 1992

Section 284 of the Planning Act 2016

Section 145 of the Plumbing and Drainage Act 2002

Section 140 of the Prostitution Act 1999

Section 116 of the Queensland Building and Construction Commission Act 1991

Section 121 and 178 of the Queensland Heritage Act 1992

Section 95 of the Regional Planning Interests Act 2014

Section 44 of the Rural and Regional Adjustment Act 1994

Section 102 of the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

Section 173 of the State Development and Public Works Organisation Act 1971

Section 165 of the State Penalties Enforcement Act 1999

Section 92 of the Supreme Court of Queensland Act 1991

Section 490 of the Transport Infrastructure Act 1994

Section 38 of the Transport Planning and Coordination Act 1994

Sections 19P and 72 of the Vegetation Management Act 1999

Section 271 of the Waste Reduction and Recycling Act 2011

Section 39, 48, 967, 1014, and 1046 of the Water Act 2000

Section 85 of the Wet Tropics World Heritage Protection and Management Act 1993

Section 62 of the Wine Industry Act 1994

Policy objectives and the reasons for them

The policy objective of the *Planning (Consequential) and Other Legislation Amendment Regulation 2017* (Consequential Regulation) is to ensure consistency of existing subordinate legislation with the *Planning Act 2016* and the *Planning (Consequential) and Other Legislation Amendment Act 2016* (the planning legislation), both of which are intended to commence on 3 July 2017.

Achievement of policy objectives

The policy objectives of the Consequential Regulation are achieved by amending a range of subordinate legislation to achieve consistency with the new planning legislation.

Consistency with policy objectives of authorising law

The Consequential Regulation is consistent with the main objectives of its authorising laws.

Inconsistency with policy objectives of other legislation

The Consequential Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Consequential Regulation will allow for a range of subordinate legislation to be more easily read and interpreted in the context of the new planning legislation.

The costs of implementing the Consequential Regulation will be negligible.

Consistency with fundamental legislative principles

The Office of the Queensland Parliamentary Counsel has identified that several documents under the *Fisheries Regulation 2008* mentioned in part 13 of the Consequential Regulation are not date-referenced, and so may be changed without a regulation amendment.

The documents identify minor development for which a development approval is unnecessary. The documents have never been date-referenced under the *Fisheries Regulation 2008*. Consequently the Consequential Regulation does not change the status of the documents in this respect.

Any changes to the documents require the approval of the chief executive administering the *Fisheries Regulation 2008*, and as the documents are statutory instruments, any changes are also potentially subject to regulatory impact assessment.

Otherwise, the Consequential Regulation is not inconsistent with fundamental legislative principles.

Consultation

State agencies affected by the Consequential Regulation were consulted and the views of the agencies have where appropriate been reflected in the regulation.

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category (a) – Regulatory proposals that make consequential amendments).

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