

Land and Other Legislation Amendment (Postponement) Regulation 2018

Explanatory notes for SL 2018 No. 28

made under the

Land and Other Legislation Amendment Act 2017

General Outline

Short title

Land and Other Legislation Amendment (Postponement) Regulation 2018

Authorising law

Section 15DA of the *Acts Interpretation Act 1954*

Section 2 of the *Land and Other Legislation Amendment Act 2017*

Policy objectives and the reasons for them

The *Land and Other Legislation Amendment Act 2017* received assent on 30 March 2017. It is intended for sections 23 and 24, in part 2, division 3, and schedule 1, part 2, entry for the Land Act, item 8 of the *Land and Other Legislation Amendment Act 2017* to automatically commence on 31 March 2018 in accordance with section 15DA(2) of the *Acts Interpretation Act 1954*.

The objective of the *Land and Other Legislation Amendment (Postponement) Regulation 2018* (postponement regulation) is to postpone the automatic commencement of sections 25 to 30, and schedule 1, part 2, entry for the *Land Act 1994*, items 1 to 7 and 9 to 11 of the *Land and Other Legislation Amendment Act 2017*.

Sections 25 to 30 of the *Land and Other Legislation Amendment Act 2017* provide for the discontinuation of the use of mandatory standard terms documents for new registered documents under the *Land Act 1994*, and the introduction of prescribed terms by regulation.

Schedule 1, Part 2, entry for the *Land Act 1994*, items 1 to 7 and 9 to 11 contains consequential amendments to the *Land Act 1994* resulting from the removal of the mandatory standard terms documents framework.

Under section 2 of the *Land and Other Legislation Amendment Act 2017* these provisions are to commence on a day to be fixed by proclamation, but will automatically commence on 31 March 2018 if not commenced earlier. This is the outcome under section 15DA of the *Acts Interpretation Act 1954*, which provides that a postponed law that has not commenced within one year of assent automatically commences on the next day.

Amendments are required to the prescribed terms provisions in the *Land and Other Legislation Amendment Act 2017* to clarify the drafting so that the prescribed terms provisions are not interpreted as applying more broadly than intended, and to align compliance provisions with the government's proposed changes to modernise the compliance provisions in the *Land Act 1994*.

It is therefore necessary to postpone automatic commencement of the prescribed terms provisions to allow for amendments to the *Land and Other Legislation Amendment Act 2017* to be made.

Achievement of policy objectives

Section 15DA(3) of the *Acts Interpretation Act 1954* enables a regulation to extend the period before automatic commencement, to not more than two years of the assent day.

The postponement regulation will prevent automatic commencement of sections 25 to 30 and schedule 1, part 2, entry for the *Land Act 1994*, items 1 to 7 and 9 to 11 of the *Land and Other Legislation Amendment Act 2017* on 31 March 2018. Instead, it will defer the automatic commencement until 30 March 2019, unless commenced earlier.

Consistency with policy objectives of authorising law

The postponement regulation is consistent with the objectives of the *Land and Other Legislation Amendment Act 2017* and the *Acts Interpretation Act 1954*.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Benefits and costs of implementation

There are no costs associated with the implementation of the postponement regulation.

Consistency with fundamental legislative principles

The postponement regulation is consistent with fundamental legislative principles.

Consultation

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 g - Regulatory proposals that are of a machinery nature).

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