

# Planning and Environment Court Rules 2018

Explanatory notes for SL 2018 No. 67

made under the *Planning and Environment Court Act 2016* and the *Supreme Court of Queensland Act 1991*

## General Outline

### Short title

The short title of the subordinate legislation is the *Planning and Environment Court Rules 2018*.

### Authorising law

Sections 13 and 79 of the *Planning and Environment Court Act 2016*.  
Section 85 of the *Supreme Court of Queensland Act 1991*

### Policy objectives and the reasons for them

The objective of the *Planning and Environment Court Rules 2018* (2018 Rules) is to replace the *Planning and Environment Court Rules 2010* (2010 Rules).

Section 79 of the *Planning and Environment Court Act 2016* enabled the existing *Planning and Environment Court Rules 2010* (2010 Rules), made under the *Sustainable Planning Act 2009*, to continue for one year to allow sufficient time for new Rules to be drafted. The 2010 Rules are due to expire on 3 July 2018. The *Planning and Environment Court Rules 2018* are due to commence on 4 July 2018.

The current *Planning and Environment Court Rules 2010* are not consistent with the new *Planning and Environment Court Act 2016*, as they were aligned with provisions in the now repealed *Sustainable Planning Act 2009*.

The reason for the replacement is the commencement of the new *Planning and Environment Court Act 2016* on 3 July 2017. The 2018 Rules are consistent with the new *Planning and Environment Court Act 2016*. The 2018 Rules will support the seamless operation of the Planning and Environment Court (Court) business.

## **Achievement of policy objectives**

A replacement of the outdated 2010 Rules is the most efficient and effective way of ensuring the Court proceedings align with the primary legislation.

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

The 2018 Rules are consistent with the main objectives of the *Planning and Environment Court Act 2016*, which are to ensure the continuation, jurisdiction and powers of the Court.

The 2018 Rules also makes a consequential amendment to the *Uniform Civil Procedure (Fees) Regulation 2009* to refer to the new Rules. The amendment is consistent with the *Supreme Court of Queensland Act 1991*.

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

The 2018 Rules are consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

Replacing the outdated *Planning and Environment Court Rules 2010* with the new *Planning and Environment Court Rules 2018*, reflects the broader government policy of planning reform. The *Planning and Environment Court Act 2016* provides the legislative foundation for the new Court Rules and procedures to ensure the Court's efficient operation.

The 2018 Rules support the role of the Court as a specialised court to hear planning and environment disputes.

## **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with the fundamental legislative principles.

## **Consultation**

Section 13 of the *Planning and Environment Court Act 2016* provides that the Rules of the Court can only be made with the concurrence of the Chief Judge and a Planning and Environment Court Judge. The Chief Judge consulted with the Bar Association of Queensland and the Queensland Law Society before providing his agreement.

The Office of Best Practice Regulation (OBPR) supported the agency assessed exclusion from undertaking further regulatory impact analysis. OBPR advised that the proposal to develop new Planning and Environment Court Rules, was assessed under exclusion category (j) regulatory proposals relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services.