

Planning and Environment Court (Mediation) Amendment Rule 2019

Explanatory notes for SL 2019 No. 67

made under the
Planning and Environment Court Act 2016

General Outline

Short title

Planning and Environment Court (Mediation) Amendment Rule 2019

Authorising law

Sections 13, 16, 18-21 and 44 of the *Planning and Environment Court Act 2016*

Policy objectives and the reasons for them

The objective of the *Planning and Environment Court (Mediation) Amendment Rule 2019* (amendment rule) is to provide for actions that can be undertaken by the mediator in the alternative dispute resolution (ADR) process. This includes, convening a without prejudice conference and convening and chairing a mediation for a Planning and Environment Court (P&E Court) proceeding if directed by the P&E Court. The amendment rule also provides for experts to attend a mediation.

The amendment rule is a consequential amendment to provisions passed by the Legislative Assembly in the *Economic Development and Other Legislation Amendment Act 2019* which provide for the P&E Court to refer matters to a private mediator. The ability for the P&E Court to refer matters to the mediator would support the operational efficiency of the P&E Court.

Achievement of policy objectives

To achieve its objective the amendment rule ensures that a mediator may be appointed and the actions that may be undertaken by the mediator during the ADR process.

Consistency with policy objectives of authorising law

The amendment rule is consistent with the main objectives of the *Planning and Environment Court Act 2016* which are to ensure the continuation, jurisdiction and powers of the P&E Court.

Inconsistency with policy objectives of other legislation

The amendment rule is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Amending the *Planning and Environment Court Rules 2018* provides consistency reflecting the amendments to the *Planning and Environment Court Act 2016* as passed in the *Economic Development and Other Legislation Amendment Act 2019*.

The amendment rule provides for actions a mediator may undertake as part of the ADR process. This supports the efficient operation of the P&E Court.

Consistency with fundamental legislative principles

The amendment rule 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 concurrence of the Chief Judge and a Planning and Environment Court Judge. This concurrence has been provided.

A self-assessment by the Department of State Development, Manufacturing, Infrastructure and Planning determined that further regulatory impact analysis is not required as the proposal is excluded under category (j) of the *Queensland Government Guide to Better Regulation – amendments to a regulatory proposal relating to the administration of courts*.