

State Development and Public Works Organisation Regulation 2020

Explanatory notes for SL 2020 No. 164

made under the

State Development and Public Works Organisation Act 1971

General Outline

Short title

State Development and Public Works Organisation Regulation 2020

Authorising law

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

Policy objectives and the reasons for them

Section 54 of the *Statutory Instruments Act 1992* provides for the automatic expiry of subordinate legislation on 1 September, first occurring after the tenth anniversary of the day of its making, unless it is sooner repealed or expires, or a regulation is made exempting it from expiry.

The *State Development and Public Works Organisation Regulation 2010* (the regulation) is due to expire on 1 September 2020. It is proposed that the regulation is remade, with minor amendments.

The *State Development and Public Works Organisation Regulation 2020* (2020 regulation) will continue to support the objectives of the *State Development and Public Works Organisation Act 1971* (SDPWO Act) which includes:

- recognition of the Government's role in the construction and operation of infrastructure
- streamlining approval processes to remove impediments to timely decision making
- state planning and development through a coordinated system of public works organisation, for environmental coordination, and for related purposes.

Consequently, the 2020 regulation will direct the Coordinator-General or other specified body to undertake specified works, outlining the manner and detail in which functions shall be performed and powers exercised in the completion of such works. It specifies the requirements

for environmental impact statements and reports for coordinated projects and identifies the matters for which fees are payable plus the amount of those fees.

Achievement of policy objectives

The policy objectives will be achieved by remaking the regulation prior to 1 September 2020.

In addition to remaking the regulation, the proposed amendments will remove provisions relating to completed projects. The removal of these projects does not impact stakeholders as the projects are now complete. Fees will be updated to reflect 2020 Consumer Price Indexation amounts. Reference to annual Consumer Price Index increases remain. These amendments provide clarity to the project proponents about the matters for which fees are payable and the required amounts.

Consistency with policy objectives of authorising law

The 2020 regulation is consistent with the main objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The 2020 regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The remaking of the regulation allows the Queensland Government to continue to provide clarity to project proponents on fees and information required for services offered by the Office of the Coordinator-General. No additional costs will be incurred in implementing the 2020 regulation.

Consistency with fundamental legislative principles

The 2020 regulation has sufficient regard to the rights and liberties of individuals and the institution of Parliament and has been drafted in accordance with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Queensland Productivity Commission determined that the objectives for the sunset review as set out in the *Queensland Government Guide to Better Regulation* have been met and that further regulatory impact analysis is not required.

Consultation was undertaken with Queensland Bulk Water Supply Authority (QBWSA) (trading as Seqwater) on the removal of the relevant works provisions associated with the drought contingency projects and with the relevant project proponents and stakeholders in relation to the removal of completed projects. The removal of these projects does not impact stakeholders as the projects are now complete.