

Planning and Environment Amendment Rule 2024

Explanatory notes for SL 2024 No. 5

made under the

Planning and Environment Court Act 2016

General Outline

Short title

Planning and Environment Court Amendment Rule 2024

Authorising law

Section 13 of the *Planning and Environment Court Act 2016*

Policy objectives and the reasons for them

The objectives of the *Planning and Environment Court Amendment Rule 2024* (Amendment Rule) are to ensure the continued operation as intended under the current Planning and Environment Court (P&E Court) system to allow non-party access to documents filed during the proceedings.

Achievement of policy objectives

Part 5B, Rule 46B includes a new provision to specify that the rules 975G, 975H and 975I of the Uniform Civil Procedures Rules (UCPR) do not apply to a P&E Court proceeding.

The amendment is minor in nature and ensures the continued operation of the current P&E Court system to allow non-party access to documents filed during proceedings.

Part 5B, Rule 46C includes the new provision which enable a person to ask the registrar for a copy or a certified copy of a document filed under the *Planning and Environment Court Rules 2018* (P&E Court Rules).

The amendment is minor in nature and ensures the continued operation of the current P&E Court system to allow non-party access to documents filed during proceedings.

Part 5B, Rule 46D includes the new provision which enable a person to ask the registrar to search for and permit the person to inspect a document filed under the P&E Court Rules.

The amendment is minor in nature and ensures the continued operation of the current P&E Court system to allow non-party access to documents filed during proceedings.

Consistency with policy objectives of authorising law

The Amendment Rule is consistent with the purpose of the *Planning and Environment Court Act 2016* (the P&E Court Act) to govern the constitution composition, jurisdiction and powers of the P&E Court system.

The Amendment Rule is also consistent with the purpose of the P&E Court Act in providing information about evidence in proceedings by ensuring the continued operation as intended under the current P&E Court system to allow non-party access to documents filed during the proceedings.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

There is no alternative way to achieve the policy objectives, other than the Amendment Rule. The P&E Court Act permits the rules to set the P&E Court's procedures and anything necessary or convenient for the P&E Court's purposes.

Benefits and costs of implementation

The cost of implementing the amended regulatory framework will be met within existing budget allocations, and the resources used to manage the existing regulatory framework will continue to be used to administer the amended framework.

Consistency with fundamental legislative principles

This Amendment Rule is consistent with fundamental legislative principles, and has no adverse impact on the rights and liberties of individuals or on the institution of Parliament.

Consultation

No consultation on the Amendment Rule has been undertaken outside of government agencies as the amendments are identified as consequential amendment changes and are required to ensure the continued operation as intended under the current P&E Court system to allow non-party access to document filed during the proceedings. These changes do not impact policy outcomes.

The Department of Justice and Attorney-General has been consulted on the Amendment Rule in relation to amendments they are undertaking to the UCPR.

The Chief Judge Brian Devereaux, Supreme Court of Queensland, and a P&E Court Judge have also been consulted in relation to the Amendment Rule in accordance with the requirements under section 13 of the P&E Court Act and have concurred with the proposed amendments.

In accordance with *The Queensland Government Better Regulation Policy (the Policy)*, an Impact Analysis Statement (IAS) has been prepared for the consideration and approval of the Planning Minister and Director-General. A copy of the IAS will be provided to the Office of Best Practice Regulation (OBPR) and published on the Department of Housing, Local Government, Planning and Public Works website.

A self-assessment by the department determined that no further regulatory impact analysis was required in relation to the changes to:

- Part 5B, Rule 46B as the proposal does not require a RIA under the Policy, to ensure the continued operation as intended under the current P&E Court System to allow non-party access to documents filed during the proceedings
- Part 5B, Rule 46C as the proposal does not require a RIA under the Policy, to ensure the continued operation as intended under the current P&E Court System to allow non-party access to documents filed during the proceedings, and
- Part 5B, Rule 46D as the proposal does not require a RIA under the Policy, to ensure the continued operation as intended under the current P&E Court System to allow non-party access to documents filed during the proceedings.