

Environmental Protection and Other Legislation Amendment (Postponement) Regulation 2024

Explanatory notes for SL 2024 No. 19

made under the

Environmental Protection and Other Legislation Amendment Act 2023

General Outline

Short title

Environmental Protection and Other Legislation Amendment (Postponement) Regulation 2024.

Authorising law

Section 15DA(2) of the *Acts Interpretation Act 1954*.

Section 2 of the *Environmental Protection and Other Legislation Amendment Act 2023*

Policy objectives and the reasons for them

The objective of the *Environmental Protection and Other Legislation Amendment (Postponement) Regulation 2024* (Postponement Regulation) is to postpone the automatic commencement of sections 102, 121 and 125(2) to the extent it inserts the definition of body-worn camera, of the *Environmental Protection and Other Legislation Amendment Act 2023* (EPOLA Act 2023).

The EPOLA Act 2023 commenced on 5 April 2023 and inserted new provisions (section 102, 121 and 125(2) to the extent it inserts the definition of body-worn camera) into the *Environmental Protection Act 1994* (EP Act) to allow body-worn camera to be used by authorised officers during investigations while safeguarding a person's confidential information. Section 2 of the EPOLA Act 2023 provided that these provisions would commence on a day to be fixed by proclamation.

These provisions have not yet commenced. However, under section 15DA(2) of the *Acts Interpretation Act 1954* they will automatically commence on 6 April 2024 unless the Postponement Regulation is made to extend the deadline for commencement.

The relevant sections of the EPOLA Act 2023 are subject to amendments being considered in the Environmental Protection and Other Legislation Amendment (Powers and Penalties) Bill 2024 (P&P Bill), which was introduced into Parliament on 13 February 2024. Consequently, the Postponement Regulation is to postpone the automatic commencement of these provisions to allow the P&P Bill to be considered.

Achievement of policy objectives

To achieve its objectives, the Postponement Regulation will postpone sections 102 and 121 and section 125(2), to the extent it inserts the definition body-worn camera. The Postponement Regulation will postpone the automatic commencement of these sections by 12 months to the end of 5 April 2025.

Consistency with policy objectives of authorising law

The Postponement Regulation is consistent with the *Acts Interpretation Act 1954* which provides that legislation commences automatically after 12 months unless postponed by a regulation.

Inconsistency with policy objectives of other legislation

The Postponement Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

In accordance with *The Queensland Government Better Regulation Policy*, an Impact Analysis Statement was prepared in relation to the regulatory proposal. The proposal will not add to the burden of regulation and is unlikely to result in significant adverse impacts. No further regulatory impact analysis is required.

Consistency with fundamental legislative principles

The Postponement Regulation proposal is consistent with Fundamental Legislative Principles.

Consultation

No consultation was undertaken as this change is minor and machinery in nature and it does not result in a substantive change to regulatory policy or new impacts on business, government or the community.

The Office of Best Practice Regulation was notified of the proposal on 24 October 2023.