

State Development and Public Works Organisation (State Development Areas) Regulation 2019

Explanatory notes for SL 2019 No. 143

made under the

State Development and Public Works Organisation Act 1971

General Outline

Short title

The short title of the regulation is the *State Development and Public Works Organisation (State Development Areas) Regulation 2019*.

Authorising law

Sections 77(1) and 173(1) of the *State Development and Public Works Organisation Act 1971*.

Policy objectives and the reasons for them

Section 77 of the *State Development and Public Works Organisation Act 1971* (SDPWO Act) states a regulation is required to declare any part of the State or of any area over which the State claims jurisdiction to be a state development area (SDA), if the Governor in Council is satisfied that the public interest or general welfare of persons resident in any part of the state requires it.

In addition, section 77 of the SDPWO Act states a regulation, in like manner, may vary an SDA (i.e. by either excluding a part previously included in the declared boundary or including a new part into the boundary for declaration) or revoke a declaration.

Section 173 of the SDPWO Act provides for the Governor in Council to make regulations not inconsistent with the SDPWO Act in respect of a range of matters, including the procedures by or pursuant to which SDAs are to be declared, varied, or revoked.

An SDA is a clearly defined area of land set aside for large-scale industrial development, infrastructure corridors to facilitate linear infrastructure, and major development sites including public works. SDAs are established under the SDPWO Act to promote economic development in Queensland. There are 12 existing SDAs.

The *State Development and Public Works Organisation (State Development Areas) Regulation 2009* contains the declarations for each SDA for the purposes of the SDPWO Act. It also references the plan on which each SDA is shown.

Under Section 54 of the *Statutory Instruments Act 1992*, the *State Development and Public Works Organisation (State Development Areas) Regulation 2009* will automatically expire on 1 September 2019.

It is important for the effect of the *State Development and Public Works Organisation (State Development Areas) Regulation 2009* to continue to support the effective operation of the SDPWO Act.

Achievement of policy objectives

The objective is achieved by making the *State Development and Public Works Organisation (State Development Areas) Regulation 2019* to replace the *State Development and Public Works Organisation (State Development Areas) Regulation 2009* on its expiry. No amendments were required to the *State Development and Public Works Organisation (State Development Areas) Regulation 2019* other than those made by the Office of the Queensland Parliamentary Counsel to reflect modern drafting standards

Consistency with policy objectives of authorising law

The *State Development and Public Works Organisation (State Development Areas) Regulation 2019* is consistent with the objectives of the SDPWO Act and continues the effect of the *State Development and Public Works Organisation (State Development Areas) Regulation 2009*.

Inconsistency with policy objectives of other legislation

The *State Development and Public Works Organisation (State Development Areas) Regulation 2019* is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The *State Development and Public Works Organisation (State Development Areas) Regulation 2019* has no anticipated implementation costs. It will continue the declarations made by the *State Development and Public Works Organisation (State Development Areas) Regulation 2009*. A regulation has been used to record SDA declarations, subsequent variations to SDAs, and SDA revocations, since the first SDA was declared in December 1993.

Consistency with fundamental legislative principles

The making of the *State Development and Public Works Organisation (State Development Areas) Regulation 2019* is consistent with the principles of good legislation, including the fundamental legislative principles. Sufficient regard has been given to the rights and liberties of individuals and the institution of Parliament.

Consultation

The Office of Best Practice Regulation, Queensland Productivity Commission (QPC) was consulted under the *Queensland Government Guide to Better Regulation* (the guideline) for advice on the type of assessment required under the regulatory impact assessment system. QPC requested a sunset review be undertaken of the *State Development and Public Works Organisation (State Development Areas) Regulation 2009* to evaluate its continuing need, effectiveness, and efficiency, and that the sunset review be submitted to QPC for assessment.

QPC, in its response, advised the requirements of the sunset review had been met satisfactorily by demonstrating the need for continued regulatory action and that no further regulatory impact analysis was required to support the making of the *State Development and Public Works Organisation (State Development Areas) Regulation 2019*.

There was no requirement to undertake any public consultation.