

**2023**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**TENTH ASSEMBLY**

**Planning and Environment Legislation Amendment Bill 2023**

**Supplementary Explanatory Statement**

**Presented by  
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# **PLANNING AND ENVIRONMENT LEGISLATION AMENDMENT BILL 2023**

This supplementary explanatory statement relates to the Government amendments (the amendments) to the Planning and Environment Legislation Amendment Bill 2023 (the Bill). It has been prepared to assist the reader of the Bill and the amendments and to help inform debate. It does not form part of the Bill or the amendments.

The statement is to be read in conjunction with the Bill and the explanatory statement prepared in support of the Bill, as introduced in the Legislative Assembly on 8 February 2023. It is not, and is not meant to be, a comprehensive description of the Bill or the amendments.

## **OUTLINE OF THE GOVERNMENT AMENDMENTS**

The Government amendments to the Bill relate to the *Professional Engineers Act 2023* (the Act), passed by the Legislative Assembly on 23 March 2023.

The amendments amend the commencement provision in the Act to disapply the default commencement provision in section 79 of the *Legislation Act 2001* (the Legislation Act). The amendments now set a default commencement 18 months from the day after its notification day if not otherwise commenced. It remains that commencement of the Act will occur through written notice by the responsible Minister.

Due to an administrative oversight in the drafting of the Act, the 6-months default commencement in section 79 of the Legislation Act was not disapplied and thus the Act will, without these amendments, automatically commence on 11 October 2023. The implication of this is that those engaging in professional engineering services as defined by the Act will be committing an offence if not registered from that time even if the registration scheme is not operational.

## **CONSULTATION ON THE PROPOSED APPROACH**

Consultation has been undertaken with key Government stakeholders including the Chief Minister, Treasury and Economic Development Directorate.

Consultation is ongoing with industry stakeholders on implementation of the professional engineers registration scheme established by the Act.

## **CONSISTENCY WITH HUMAN RIGHTS**

There are no human rights implications arising from the Government Amendments.

## **CLAUSE NOTES**

### **Amendment 1**

#### **Clause 3, proposed new dot point**

##### **Page 2 line 15—**

This clause makes a minor and technical amendment consequential on Government amendment 2 to include the *Professional Engineers Act 2023* in the list of legislation amended by the Bill.

### **Amendment 2**

#### **Proposed new part 5**

##### **Page 7 line 17—**

This clause inserts a new part 5 into the Bill to make amendments to the *Professional Engineers Act 2023*. Part 5 consists of clauses 16 and 17.

Clause 16 omits note 2 from section 2 of the *Professional Engineers Act 2023* consequential on the amendments in clause 17.

Clause 17 amends section 2 of the *Professional Engineers Act 2023* to disapply section 79 of the *Legislation Act 2001* and provides for default commencement of the Act 18 months after its notification day (notification day being 11 April 2023) unless already commenced. The period of 18 months is provided as a contingency period, and it is intended to set the commencement of the scheme by written notice at an earlier time.

Section 81 of the *Legislation Act 2001* allows for appointments and statutory instruments to be made in the period between notification and commencement. Statutory instruments and appointments relating to key elements of the scheme (for example: areas of engineering; qualifications, experience, and competencies; continuing professional development;

appointment of the registrar and approval of assessment entities) need to be in place before the scheme can formally commence. In addition, registration for areas of engineering will be introduced in a phased manner to manage demands on the scheme and provide a more manageable and responsive scheme. Phasing periods will be finalised in consultation with directorates, assessment entities and peak bodies.