



New South Wales

Rural Communities Impacts Bill 2004

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to require Ministers to consider the likely impact of certain legislation and other government proposals on rural communities.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 sets out the scope of the proposed Act by defining *rural community* as being the part of the State that is outside the Sydney, Newcastle and Wollongong metropolitan areas.

Clause 4 defines other terms used in the proposed Act.

Part 2 Requirements of rural communities impact statements

Clause 5 provides that a rural communities impact statement is not valid for the purposes of the proposed Act unless it is written by the Rural Communities Impact Assessment Unit in the Cabinet Office.

Clause 6 specifies some of the matters that must be covered by a rural communities impact statement.

Clause 7 makes it clear that additional matters may be included in a rural communities impact statement.

Clause 8 provides that a rural communities impact statement may (if appropriate) merely state that the relevant Bill, statutory rule, environmental planning instrument or decision has “no likely impact” on the rural community.

Part 3 Assessment of likely impact of proposed Acts on rural communities

Clause 9 provides that a Minister or Government Member who intends to introduce a Bill into Parliament must ensure, before the Bill is considered by the Cabinet, that a rural communities impact statement has been prepared which provides information about the likely impact of the proposed Act on the rural community and that the Minister or Member has given consideration to that likely impact.

Clause 10 requires the tabling in Parliament of a rural communities impact statement in relation to a Bill before the Bill is read a second time.

Part 4 Assessment of likely impact of proposed statutory rules on rural communities

Clause 11 specifies that the proposed Part imposes obligations on the Minister administering the Act under which a statutory rule is or is proposed to be made.

Clause 12 requires a Minister who intends to submit a proposed statutory rule to the Governor to ensure, before the proposed statutory rule is submitted, that a rural communities impact statement has been prepared in relation to the statutory rule and that the Minister has given consideration to it.

Clause 13 requires a copy of the rural communities impact statement for a statutory rule to be included with any regulatory impact statement required in relation to the statutory rule.

Clause 14 requires the tabling in Parliament of a rural communities impact statement.

Clause 15 requires notice to be given to the public as to where a rural communities impact statement can be accessed.

Part 5 Assessment of likely impact of proposed environmental planning instruments on rural communities

Clause 16 requires a Minister who intends to recommend the making of a State environmental planning policy to the Governor to ensure, before the proposed policy is recommended, that a rural communities impact statement has been prepared in relation to the policy and has been publicly exhibited and that the Minister has given consideration to it.

Clause 17 requires a Minister who intends to make a regional environmental plan to ensure, before the proposed plan is made, that a rural communities impact statement has been prepared in relation to the plan and has been publicly exhibited and that the Minister has given consideration to it.

Clause 18 requires a Minister who intends to make a local environmental plan to ensure, before the proposed plan is made, that a rural communities impact statement has been prepared in relation to the plan and has been publicly exhibited and that the Minister has given consideration to it.

Part 6 Assessment of likely impact of proposed Cabinet decisions on rural communities

Clause 19 requires rural communities impact statements to be prepared in relation to certain decisions before the Cabinet and to be distributed to Cabinet Ministers and considered by them before any decision is made.

Clause 20 makes it clear that the proposed obligations extend to the Cabinet's consideration of Bills, proposed statutory rules and proposed environmental planning instruments.

Part 7 Rural Communities Impact Assessment Unit

Clause 21 establishes the Rural Communities Impact Assessment Unit in the Cabinet Office.

Clause 22 imposes a requirement that there be in each Department at least one person whose duties involve, or include, liaising with the Unit.

Clause 23 requires the Unit to maintain a website on which rural communities impact statements are to be posted.

Part 8 Miscellaneous

Clause 24 provides for the Premier to certify that the requirements of the proposed Act do not have to be complied with, for instance, in an emergency.

Clause 25 requires the Speaker of the Legislative Assembly and the President of the Legislative Council to report on non-compliance with tabling requirements under the proposed Act.



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New South Wales

Rural Communities Impacts Bill 2004

No. , 2004

A Bill for

An Act to require the preparation of rural communities impact statements and to specify the circumstances in which they are required; and for other purposes.

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Rural Communities Impacts Act 2004*. 4

2 Commencement 5

This Act commences on the date of assent. 6

3 Meaning of “rural community” 7

(1) For the purposes of this Act, the part of the State that is outside the following metropolitan areas comprises the *rural community*: 8
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(a) the Sydney metropolitan area, that is, the area constituted by 10
the local government areas of Ashfield, Auburn, Bankstown, 11
Baulkham Hills, Blacktown, Botany Bay, Burwood, Camden, 12
Campbelltown, Canada Bay, Canterbury, Fairfield, 13
Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, 14
Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, 15
Manly, Marrickville, Mosman, North Sydney, Parramatta, 16
Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, 17
Sutherland, Sydney, Warringah, Waverley, Willoughby and 18
Woollahra, 19

(b) the Newcastle metropolitan area, that is, the area constituted 20
by the local government areas of Lake Macquarie and 21
Newcastle, 22

(c) the Wollongong metropolitan area, that is, the area constituted 23
by the local government areas of Shellharbour and 24
Wollongong. 25

(2) The rural community consists of any number of recognised rural 26
communities in the State. 27

4 Other definitions 28

In this Act: 29

environmental planning instrument means: 30

(a) a State environmental planning policy, or 31

(b) a regional environmental plan, or 32

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- (c) a local environmental plan, 1
which all have the same meaning as in the *Environmental Planning* 2
and Assessment Act 1979. 3
- Government Member of Parliament** means a member of 4
Parliament who is a member of the one or more parties that make up 5
the Government. 6
- Rural Communities Impact Assessment Unit** means the branch of 7
the Cabinet Office established under section 21. 8
- statutory rule** means a regulation, by-law, rule or ordinance: 9
- (a) that is made by the Governor, or 10
- (b) that is made by a person or body other than the Governor, but 11
is required by law to be approved or confirmed by the 12
Governor. 13

Part 2	Requirements of rural communities impact statements	1 2
5	Rural communities impact statements must be written by Rural Communities Impact Assessment Unit	3 4
	A rural communities impact statement is not valid for the purposes of this Act unless it is written by the Rural Communities Impact Assessment Unit.	5 6 7
6	Matters that must be covered by a rural communities impact statement	8 9
(1)	A rural communities impact statement that is required to be prepared by this Act in relation to a proposed Bill, statutory rule, environmental planning instrument or decision is not valid for the purposes of this Act unless it includes the following matters:	10 11 12 13
(a)	a detailed description of any costs that are likely to be placed on businesses in the rural community in order to comply with the relevant legislation or decision (whether or not the same costs would be imposed on any other community),	14 15 16 17
(b)	an examination of the likely impact of those costs on development and employment in the rural community (whether or not there would be the same impact on any other community),	18 19 20 21
(c)	special emphasis on the modelling of the likely impact on the rural community that would occur or remain 5 years after the legislation or decision is made (whether or not there would be the same impact on any other community),	22 23 24 25
(d)	an examination of the likely impact of the proposed legislation or decision on the social structures and well-being of the rural community (whether or not there would be the same impact on any other community),	26 27 28 29
(e)	an examination of the likely impact of the proposed legislation or decision on the availability of public transport, health services, education facilities, policing, courts, government advisory services and infrastructure provision in the rural community (whether or not there would be the same impact on any other community),	30 31 32 33 34 35

(f)	an examination of the likely impact of the proposed legislation or decision on the natural environment, having regard to the need to balance economic and social well-being with environmental sustainability.	1 2 3 4
(2)	If any of the above matters is not applicable to the relevant legislation or decision under consideration, a rural communities impact statement complies with this section if it merely states that the matter is not applicable.	5 6 7 8
7	Other matters may be included	9
	In addition to the matters listed in section 6, a rural communities impact statement may consider other aspects of the likely impact of the proposed legislation or decision on the rural community.	10 11 12
8	A finding of “no likely impact” is acceptable	13
	A rural communities impact statement may (if appropriate) merely state that the relevant Bill, statutory rule, environmental planning instrument or decision has “no likely impact” on the rural community.	14 15 16 17

Part 3	Assessment of likely impact of proposed Acts on rural communities	1 2
9	Likely impact on rural communities must be assessed before a Bill is considered by the Cabinet	3 4
	A Minister, or a Government Member of Parliament, who intends to introduce a Bill into either House of Parliament must ensure, before the Bill is considered by the Cabinet:	5 6 7
	(a) that a rural communities impact statement has been prepared in relation to the Bill, which provides information about the likely impact of the proposed Act on the rural community, and	8 9 10
	(b) that the Minister or Member has given consideration as to whether or not the proposed Act will have any likely impact on the rural community by having regard to the rural communities impact statement and any other submissions or matters that the Minister or Member considers appropriate.	11 12 13 14 15
10	Likely impact on rural communities must be disclosed to Members of Parliament before a Bill is considered by Parliament	16 17
	A Minister, or a Government Member of Parliament, who introduces a Bill into either House of Parliament must ensure that, before the second reading of that Bill in that House, a copy of the rural communities impact statement in relation to the Bill has been tabled in that House of Parliament.	18 19 20 21 22

Part 4	Assessment of likely impact of proposed statutory rules on rural communities	1
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11	Minister on whom this Part imposes obligations	3
	The obligations under this Part are imposed on the Minister administering the Act under which a statutory rule is or is proposed to be made.	4 5 6
12	Likely impact on rural communities must be determined before a statutory rule is submitted to Governor	7 8
	A Minister who intends to submit a proposed statutory rule for making by the Governor, or for the approval of or confirmation by the Governor, must, before submitting the proposed statutory rule, ensure:	9 10 11 12
	(a) that a rural communities impact statement has been prepared in relation to the statutory rule, which provides information about the likely impact of the statutory rule on the rural community, and	13 14 15 16
	(b) that the Minister has given consideration as to whether or not the proposed statutory rule will have a likely impact on the rural community, by having regard to the rural communities impact statement and any other submissions or matters that the Minister considers appropriate.	17 18 19 20 21
13	Public notice of rural communities impact statement required before certain statutory rules are made	22 23
	(1) This section applies to a statutory rule in relation to which section 5 of the <i>Subordinate Legislation Act 1989</i> requires a regulatory impact statement to be prepared and made available or made available for inspection.	24 25 26 27
	(2) If this section applies, the regulatory impact statement must include the rural communities impact statement for the proposed statutory rule.	28 29 30
14	Tabling of rural communities impact statement required in relation to all statutory rules	31 32
	The Minister responsible for a statutory rule must ensure that the notice of the making of a statutory rule that is required to be given by section 40 of the <i>Interpretation Act 1987</i> is accompanied by the rural communities impact statement for the statutory rule.	33 34 35 36

Clause 15 Rural Communities Impacts Bill 2004

Part 4 Assessment of likely impact of proposed statutory rules on rural communities

15 Other public notice of rural communities impact statement required in relation to all statutory rules

The Minister responsible for a statutory rule must ensure that notice of the rural communities impact statement for the statutory rule, and where it can be accessed both in print and electronically, is printed in the same Gazette as that in which the statutory rule is published.

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Part 5	Assessment of likely impact of proposed environmental planning instruments on rural communities	1
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16	Likely impact on rural communities must be determined before a proposed State environmental planning policy is recommended to Governor	4
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	A Minister who intends to recommend to the Governor the making of a proposed State environmental planning policy must, before recommending the proposed policy, ensure:	7
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	(a) that a rural communities impact statement has been prepared in relation to the proposed policy, which provides information about the likely impact of the proposed policy on the rural community, and	10
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	(b) that the rural communities impact statement was made available to the public at the same time and in the same way as the proposed policy was publicly exhibited under the <i>Environmental Planning and Assessment Act 1979</i> , and	14
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	(c) that the Minister has given consideration as to whether or not the policy will have a likely impact on the rural community by having regard to the rural communities impact statement and any other submissions or matters that the Minister considers appropriate.	18
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17	Likely impact on rural communities must be determined before regional environmental plan is made	23
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	A Minister who intends to make a regional environmental plan in relation to a local government area that is not in a metropolitan area must ensure:	25
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	(a) that a rural communities impact statement has been prepared in relation to the proposed plan, which provides information about the likely impact of the proposed plan on the rural community, and	28
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	(b) that the rural communities impact statement was made available to the public at the same time and in the same way as the proposed plan was publicly exhibited under the <i>Environmental Planning and Assessment Act 1979</i> , and	32
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	(c) that the Minister has given consideration as to whether or not the plan will have a likely impact on the rural community by having regard to the rural communities impact statement and	36
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Clause 18 Rural Communities Impacts Bill 2004

Part 5 Assessment of likely impact of proposed environmental planning instruments on rural communities

any other submissions or matters that the Minister considers appropriate.

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18 Likely impact on rural communities must be determined before local environmental plan is made

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A Minister who intends to make a local environmental plan in relation to a local government area that is not in a metropolitan area must ensure:

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- (a) that a rural communities impact statement has been prepared in relation to the proposed plan, which provides information about the likely impact of the proposed plan on the rural community, and
- (b) that the rural communities impact statement was made available to the public at the same time and in the same way as the proposed plan was publicly exhibited under the *Environmental Planning and Assessment Act 1979*, and
- (c) that the Minister has given consideration as to whether or not the plan will have a likely impact on the rural community by having regard to the rural communities impact statement and any other submissions or matters that the Minister considers appropriate.

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Part 6	Assessment of likely impact of proposed Cabinet decisions on rural communities	1
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19	Likely impact on rural communities must be determined before Cabinet decides on any matter	3
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(1)	This section applies to every decision that is put before the Cabinet that:	5
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(a)	involves the proposed introduction of taxes, charges and fees that are, or are likely to be, imposed on residents or businesses in the rural community (whether or not they would also be imposed on any other community), or	7
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(b)	involves the proposed increase of taxes, charges and fees that are, or are likely to be, imposed on residents or businesses in the rural community (whether or not they would also be imposed on any other community), or	11
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(c)	otherwise could reasonably be expected to have an impact on the rural community (whether or not it has the same impact on any other community).	15
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(2)	The Premier must ensure that the Cabinet does not consider any decision to which this section applies unless:	18
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(a)	a rural communities impact statement has been prepared in relation to the proposed decision, which provides information about the likely impact of the proposed decision on the rural community, and	20
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(b)	a copy of the rural communities impact statement has been circulated to each Cabinet member before the decision is made.	24
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(3)	The Premier must ensure that, before the Cabinet makes a decision on the matter, each Cabinet member has given consideration as to whether or not the decision will have a likely impact on the rural community by having regard to the rural communities impact statement.	27
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20	Part extends to legislation	32
	This Part extends to the consideration of Bills, statutory rules or environmental planning instruments and is in addition to, and not in substitution for, Parts 3–5.	33
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Part 7	Rural Communities Impact Assessment Unit	1
21	Establishment of Rural Communities Impact Assessment Unit	2
(1)	The Rural Communities Impact Assessment Unit is established as a branch of the Cabinet Office.	3 4
(2)	The Rural Communities Impact Assessment Unit may arrange for the use of the services of any staff (by secondment or otherwise) or facilities of a Department for the purpose of writing one or more particular rural communities impact statements. For the purposes of this Act, a person whose services are made use of under this section is a member of the staff of the Unit.	5 6 7 8 9 10
(3)	The Rural Communities Impact Assessment Unit cannot be abolished, renamed or removed from the Cabinet Office by order under Chapter 4 of the <i>Public Sector Employment and Management Act 2002</i> .	11 12 13 14
22	Liaison with Rural Communities Impact Assessment Unit	15
	There is to be in each Department of the Public Service at least one person whose duties involve, or include, liaising with the Rural Communities Impact Assessment Unit of the Cabinet Office on matters arising under this Act that concern the Department.	16 17 18 19
23	Electronic access to rural communities impact statements	20
	The Rural Communities Impact Assessment Unit must maintain a website that allows free public access to rural communities impact statements as follows:	21 22 23
(a)	statements in relation to proposed Bills must be posted on the website on and from the day of the second reading of the Bill up until the time that the Act is repealed,	24 25 26
(b)	statements in relation to proposed statutory rules in relation to which regulatory impact statements are required to be publicly exhibited must be posted on the website on and from the first day of exhibition of the regulatory impact statement up until the time that the statutory rule is repealed,	27 28 29 30 31
(c)	statements in relation to proposed statutory rules in relation to which regulatory impact statements are not required to be publicly exhibited must be posted on the website on and from the date of their publication in the Gazette up until the time that the statutory rule is repealed,	32 33 34 35 36

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- (d) statements in relation to proposed environmental planning instruments are to be posted on the website on and from the first day of public exhibition of the proposed instrument up until the time that the instrument is repealed.

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Part 8 Miscellaneous 1

24 Rural communities impact statement not necessary in certain circumstances 2
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- (1) Subject to subsection (3), it is not necessary to comply with this Act to the extent that the Premier certifies in writing that, in his or her opinion in the special circumstances of the case, the public interest requires that the Bill, statutory rule, environmental planning instrument or Cabinet decision concerned should be introduced or made without complying with this Act. 4
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- (2) Without limiting the special circumstances to which the Premier may refer under this section, they include: 10
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 - (a) the need to ensure the safety of people, the environment or property in the case of an emergency, and 12
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 - (b) the need to ensure the security of the State. 14
- (3) If a Bill, statutory rule or environmental planning instrument is introduced or made in the circumstances mentioned in subsection (1), the requirements of this Act must: 15
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 - (a) in the case of a Bill—be complied with within 10 sitting days after the Bill is introduced, or 18
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 - (b) in the case of a statutory rule or environmental planning instrument—within 4 months after the rule or instrument is made. 20
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25 Speaker and President to report on non-compliance 23

The Speaker of the Legislative Assembly and the President of the Legislative Council are each to inform their respective Houses of any non-compliance with section 10 or 14, within 3 sitting days after becoming aware of the non-compliance. 24
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