

FACT SHEET

DIFFERENCES BETWEEN STATUTORY AND NON-STATUTORY ASSESSMENT PROCESSES

The Commission has been directed by the Minister to carry out an assessment of the Draft State Policy on the Protection of Agricultural Land 2007 (Draft Policy) and, at the same time, the Minister has requested that the Commission assess supporting documents (Implementation Guide and Model Planning Scheme Provisions).

The first process is a statutory process, the second non statutory. The differences between these statutory and non-statutory assessment processes are described below.

Statutory assessment process

Assessing Draft Policies is one of the Commission's key roles and functions. The Minister *directed* the Commission to carry out an assessment of the Draft Policy in accordance with the *State Policies and Projects Act 1993* (the Act). For the statutory assessment the Commission must follow the assessment process set out in the Act.

Non-statutory assessment process

In contrast, the Minister *requested* the Commission to assess the Implementation Guide and Model Planning Scheme Provisions (supporting documents) under a non-statutory process. Therefore, the Commission is not required to assess these documents in accordance with the Act. (It is important to note that these documents do not form part of the Draft Policy.)

To simplify the process and avoid duplication, the Commission is assessing the non-statutory Implementation Guide and Model Planning Scheme Provisions (supporting documents) concurrently with the Draft Policy. However, it should be noted that the assessment of the supporting documents remains non-statutory.

How does a Draft Policy become a State Policy?

The Commission's assessment role and function is completed once it has submitted a report on the Draft Policy to the Minister. Under the Act the Draft Policy does not become a State Policy until:

- the Minister recommends to the Governor the making of a State Policy;
- the Governor makes a State Policy in accordance with the Minister's recommendation; and
- the State Policy is approved by both Houses of Parliament.

How is an Implementation Guide and Model Planning Scheme Provisions (supporting documents) given effect?

The Commission will submit a report to the Minister and provide advice on further development and implementation of the supporting documents. These documents will require further assessment before they are finalised and implemented. For example, the documents may be assessed as planning directives or as planning scheme amendments. Whichever process is selected by the Minister, there will be further opportunities for public input and comment.