

**Subordinate legislation tabled between
17 February 2016 and 24 May 2016**

Report No. 21, 55th Parliament
Agriculture and Environment Committee
August 2016

Agriculture and Environment Committee

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1 Introduction

1.1 Role of the committee

The Agriculture and Environment Committee is a portfolio committee established by the Legislative Assembly on 27 March 2015 under the *Parliament of Queensland Act 2001*.¹ It consists of government and non-government members. The committee's primary areas of responsibility are: agriculture and fisheries; sport and racing; environment and heritage protection; and national parks and the Great Barrier Reef.²

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each Bill and item of subordinate legislation in its portfolio area to consider –

- a) the policy to be given effect by the legislation
- b) the application of fundamental legislative principles to the legislation, and
- c) for subordinate legislation – its lawfulness.

1.2 Aim of this report

This report advises of portfolio subordinate legislation (SL) tabled on between 17 February 2016 and 24 May 2016 (as listed below) that the committee has examined.

SL nos 24 and 32 were tabled on 19 April 2016 and have a disallowance date of 17 August 2016. SL no. 46 was tabled on 10 May 2016 and has a disallowance date of 31 August 2016, and SL no. 54 was tabled on 24 May 2016, with a disallowance date of 14 September 2016. The report incorporates advice provided to the committee by the Technical Scrutiny Secretariat.

2 Subordinate legislation considered

The following table lists the subordinate legislation considered by the committee and the deadline in each case for Members to give notice in the House of a disallowance motion under Standing Order 59.³

SL No	Subordinate Legislation	Tabled On	New Disallowance Date
24	Environmental Protection Amendment Regulation (No. 1) 2016	19/4/2016	17/8/2016
32	Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2016	19/4/2016	17/8/2016
46	Plant Protection Amendment Regulation (No. 1) 2016	10/5/2016	31/8/2016
54	Plant Protection (Dickeya-Pineapple Strains) Notice 2016	24/5/2016	14/9/2016

3 Findings and recommendations

The committee recommends that the Legislative Assembly note that SL nos. 24 and 32 have been considered by the committee. The committee did not identify any issues regarding consistency with fundamental legislative principles, nor with the lawfulness of the subordinate legislation.

With regard to SL no. 46, the committee notes that Schedule 1, Part 1 and Schedule 2, Parts 1 and 2 impose new restrictions, and in some cases positive obligations, on businesses by way of declarations of Pest Quarantine Areas. However, the explanatory notes state that such restrictions are consistent with the purpose of the enabling Act.⁴ They are also consistent with those already in operation with regard to a

¹ Section 88 *Parliament of Queensland Act 2001* and Standing Order 194.

² Schedule 6 of the Standing Rules and Orders of the Legislative Assembly of Queensland.

³ Section 50 of the *Statutory Instruments Act 1992* provides that the Legislative Assembly may pass a resolution disallowing subordinate legislation if notice of a disallowance motion is given by a Member within 14 sitting days after the legislation is tabled in the Legislative Assembly.

⁴ Explanatory Notes, Plant Protection Amendment Regulation (No. 1) 2016, 4.

large number of other declared pest species.⁵ The explanatory notes point out that the amendments are required to bring Queensland into alignment with other jurisdictions.⁶ The committee considers the restrictions to be justified.

SL no. 54 aims to prevent the spread of pineapple-infecting strains of the bacterium *Dickeya spp.* within Queensland, with a view to either controlling or removing it. The committee notes that SL no. 54 empowers inspectors to enter land for biosecurity surveillance activities. However, the explanatory notes point out that the impact on property owners will be limited by excluding dwellings from the scope of the land which an inspector may enter.⁷ Given the potential for a serious impact on the Queensland pineapple crop, and the lack of any alternative means to control the spread of the bacterium, the committee considers the entry and inspection powers to be justified.



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Chair
August 2016

⁵ Plant Protection Regulation 2002, schs 1-2.

⁶ Explanatory Notes, Plant Protection Amendment Regulation (No. 1) 2016, 3-4.

⁷ Explanatory Notes, Plant Protection (Dickeya-Pineapple Strains) Notice 2016, 3.