

**Subordinate legislation
tabled 16 August 2016**

Report No. 26, 55th Parliament
Agriculture and Environment Committee
October 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 16 August 2016 (as listed below) that the committee has examined.

2 Subordinate legislation considered

The following table lists the subordinate legislation considered by the committee. The deadline for Members to give notice in the House of a disallowance motion under Standing Order 59³ in respect of any of the legislation is 3 November 2016.

A summary of the objectives of the legislation is provided at the end of this report.

SL No	Subordinate Legislation	Tabled On	Disallowance Date
74	Fisheries Amendment Regulation (No. 1) 2016	16/8/2016	3/11/2016
75	Biosecurity Regulation 2016		
78	Nature Conservation and Other Legislation (Fees) Amendment Regulation (No. 1) 2016		
79	Environment and Heritage Protection Legislation Amendment Regulation (No. 1) 2016		
94	Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2016		
99	Agriculture and Fisheries Legislation (Fees) Amendment Regulation (No. 1) 2016		
104	Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2016		
116	Environmental Protection Legislation Amendment Regulation (No. 1) 2016		
118	Forestry (State Forests) Amendment Regulation (No. 1) 2016		
119	Fisheries (East Coast Trawl) Amendment Management Plan (No. 1) 2016		
121	Nature Conservation and Other Legislation Amendment Regulation (No. 1) 2016		
125	Rural and Regional Adjustment Amendment Regulation (No. 1) 2016		
126	Veterinary Surgeons Regulation 2016		
132	Biosecurity and Other Legislation Amendment Regulation (No. 1) 2016		
133	Rural and Regional Adjustment Amendment Regulation (No. 2) 2016		

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.

3 Findings and recommendations

The committee brings the following issues to the attention of the House.

3.1 Fisheries Amendment Regulation (No. 1) 2016

The Fisheries Amendment Regulation (No. 1) 2016 amends the Fisheries Regulation 2008 to:

- expand the Stocked Impoundment Permit Scheme (SIPS) to improve fish stocking;
- restrict the expansion of commercial fishing of freshwater fish to accommodate feedback on the RIS
- streamline the administrative process of issuing Stock Impoundment Permits by having Australia Post as a prescribed entity, and
- reduce the risks of potential bird strike incidents on aircraft at Brisbane Airport.

Committee comment

The Amendment Regulation raises no FLP issues, and the Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.2 Biosecurity Regulation 2016

The Biosecurity Regulation 2016 provides technical details and regulatory mechanisms for addressing biosecurity risks under the *Biosecurity Act 2014*.

Institution of Parliament – Legislative Standards Act 1992, s.4(5)(e)

A number of provisions in the Biosecurity Regulation prescribe that a person may move a carrier⁴ or biosecurity matter if the carrier or biosecurity matter meets the risk minimisation requirements for dealing with the carrier or biosecurity matter stated in the Biosecurity Manual. Drafting these provisions in this manner allows an external document, the Biosecurity Manual⁵ (the Manual), to create elements of an offence provision.

Allowing external documents that are not subject to Parliamentary scrutiny to stipulate the circumstances under which a person must carry out a risk minimisation requirement may be seen to breach section 4(5)(e) of the *Legislative Standards Act 1992* which requires legislation to have sufficient regard to the institution of Parliament.

The Explanatory Notes state:

The Regulation provides to the greatest extent possible the risk minimisation requirement a person must follow. The technical detail for achieving the risk minimisation requirement is contained in the Manual.

Most of the provisions in the Regulation that reference the Manual relate to movement restrictions on fruit and vegetables from interstate and within the State. Given there is a significant number of combinations and permutations relating to the required treatment of produce entering the State, it is not considered practical to include all of these details in the Regulation.

The relevant provisions in the Regulation are aimed at preventing the introduction or movement of serious pests and diseases which could devastate Queensland's horticultural industries. On occasion, these movement restrictions may change quickly because of the discovery of a new pest or the spread of a new or current pest in another state.

These changes can be expected to take place within 24 hours of notification and any corresponding movement restrictions need to be adjusted to ensure trade in fruit and vegetables and nursery products are maintained without significant disruptions. This need for a rapid response and change to movement restrictions cannot be achieved in a timely way through changes to legislation. A delay of weeks or months could result in significant costs to industry and the economy.

⁴ The term 'carrier' is defined in s.17 of the [Biosecurity Act 2014](#).

⁵ Department of Agriculture and Fisheries, 2016, [Queensland Biosecurity Manual](#), Department of Agriculture and Fisheries: Brisbane, 30 September.

*The Manual will be readily available on the department's website and only be amended or revised in consultation with the relevant stakeholders. It is considered that the structure of the provisions in the Regulation that reference the Manual coupled with the rigour surrounding the development of the Manual and proposed consultation on any changes to the Manual justifies the sub-delegation by referring to the Manual in the Regulation.*⁶

Committee comment

The committee notes the imperative for the department to be able to act quickly (more quickly than the normal legislative cycle permits) to establish movement restrictions in response to the discovery of new pests in Queensland or actions against pests in another state. The committee also notes the department's advice that the Biosecurity Manual is readily available on its website and that the manual will only be amended or revised in consultation with stakeholders.

On balance, the committee considers the potential breach of fundamental legislative principles is justified in the circumstances.

The Explanatory Notes for the Regulation comply with the *Legislative Standards Act 1992*.

3.3 Nature Conservation and Other Legislation (Fees) Amendment Regulation (No. 1) 2016

The Amendment Regulation indexes regulatory fees for the Department of National Parks, Sport and Racing for 2016-17. These regulatory fees have been subject to the annual review required under Government policy and then indexed by the approved Government indexation factor, which Queensland Treasury has advised to be 3.5% for 2016-17. Exceptions to this are the apiary permit fees and stock grazing permits where approval has been obtained for other indexation factors to be applied.

A small number of fees have not been adjusted by the indexation factors as the amount of the fee is below a value for the indexation factor to affect an increase, taking into account coinage and rounding factors.

The indexed fees have been rounded in accordance with the department's current rounding policy.

Committee comment

The Amendment Regulation raises no FLP issues, and the Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.4 Environment and Heritage Protection Legislation Amendment Regulation (No. 1) 2016

This Regulation indexes regulatory fees for the Department of Environment and Heritage Protection for 2016-17 in line with the approved Government indexation factor of 3.5%, as advised by Queensland Treasury.

Committee comment

The Amendment Regulation raises no FLP issues, and the Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.5 Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2016

The Regulation:

- dedicates two new regional parks (general);
- increases the area of nine existing national parks and three existing regional parks (general);
- amalgamates two existing regional parks (general) and part of one existing regional park (general) to create one 'new' regional park;
- amalgamates one existing regional park (resource use area) with one existing national park; and
- re-describes one existing national park and two existing regional parks (resource use area).

⁶ Explanatory Notes, pages 4-5.

Committee comment

The Amendment Regulation raises no FLP issues, and the Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.6 Agriculture and Fisheries Legislation (Fees) Amendment Regulation (No. 1) 2016

This Amendment Regulation amends certain regulatory fees and charges within the Agriculture and Fisheries portfolio by the indexation rate of 3.5%. An exception to the indexation of fees is the proposed increase in fees for the Stocked Impoundment Permit Scheme (SIPS) in the Fisheries Regulation 2008.

In previous years, the small increases to SIPS fees that result from annual indexation have impacted many small businesses selling permits. These businesses have difficulties implementing annual changes efficiently because permit sales do not represent a significant proportion of their business and do not generate direct revenue for them.

Some businesses have chosen not to sell permits as a result of the fee complexities. This has directly impacted the revenue raised through SIPS and therefore the amount of funds available for stocking. Following public consultation, the Government has decided that SIPS fees should be fixed for five-year periods.

In the case of SIPS fees, the objective of the Amendment Regulation is to implement a new indexation arrangement for SIPS fees in the Fisheries Regulation 2008 that see them indexed every five years by the cumulative amount of the government indexation rate and then rounded to the next highest dollar to increase efficiency at point of collection.

Fee increase

In accordance with the change in policy for SIPS, the cost of a weekly SIPS permit will increase from \$8 to \$10 (25%) and the cost of a yearly permit will increase from \$41 to \$50 (22%). The cost of a yearly concession permit (\$36) will not change, in order to avoid additional burden on concession card holders. These fees will not then increase for another five years in accordance with the reasons set out in the objectives above.

The changes to the cost of SIPS permits will impact the costs of recreational fishing in the state's 63 Queensland impoundments (freshwater dams or weirs) that are stocked with fish. According to the Explanatory Notes, a Consultation RIS was prepared in regard to a number of proposed changes to SIPS including the fee arrangements. A total of 294 responses to the Consultation RIS were made. There was very strong support for replacing the current system of annual indexation increases with the proposal of increasing fees by the cumulative five-year indexation rounded up to the nearest whole dollar. More than 70 per cent of respondents supported this proposal.

The department advised the committee that yearly discounted (concessional) permits are available to anyone who holds a Queensland Government Seniors Card, Pensioner Concession Card, Health Care Card or Repatriation Health Care Card (Gold Card). The additional cost impact on a "pensioner couple" is \$36 extra a year, presuming they have no dependents, they both choose to fish and they purchase two individual yearly discount permits. There is no discount available for weekly permits. The additional cost impact on a "concession card holder" purchasing a weekly permit is \$2 extra per permit. The additional cost impact on a "family" is \$59 a year, presuming an annual permit is being purchased, there are two adults that are not concession card holders and the children are all under 18. The additional impact is due to the inability to nominate a partner or spouse and the \$9 increase in the yearly permit. Children and teenagers under the age of 18 do not require a permit to fish in SIPS impoundments.⁷

Committee comment

The committee is satisfied that the fee increases are reasonable. The Regulation raises no FLP issues, and the Explanatory Notes comply with the *Legislative Standards Act 1992*.

⁷ Department of Agriculture and Fisheries, 2016, *Correspondence*, 16 October.

3.7 Nature Conservation and Other Legislation Amendment Regulation (No.2) 2016

The Amendment Regulation provides for a range of consequential amendments to update terminology and the names of different classes of protected area to reflect the changes that commenced on 1 July 2016.

Committee comment

The Amendment Regulation raises no FLP issues, and the Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.8 Environmental Protection Legislation Amendment Regulation (No.1) 2016

The Amendment Regulation amends the Environmental Protection Regulation 2008 (EPR) and the Environmental Protection (Air) Policy 2008 (EPAP) to:

- amends section 103 of the EPR to ensure that local governments do not have the delegation to issue the new environmental protection order introduced in the Environmental Protection (Chain of Responsibility) Amendment Act 2016
- amending the heading of section 106 of the EPR to ensure its correct interpretation
- reinstating the definition of ‘year’ for activities in schedules 2 and 2A of the EPR to ensure that the interpretation of the definition of activities limited by an amount of throughput, production or quantity of use in a year (in either its definition or threshold) are consistent with the policy intent
- correcting a typographical error in schedule 1 of the EPAP, and
- correcting other minor drafting errors in the EPAP identified by the Office of the Queensland Parliamentary Counsel.

Committee comment

The Amendment Regulation raises no FLP issues, and the Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.9 Forestry (State Forests) Amendment Regulation (No.1) 2016

The Amendment Regulation:

- re-describes the entry for Sunday Creek State Forest (SF 792) in its entirety, an area of about 14.63 hectares described as lots 1, 2 and 792 on AP19386
- sets apart and declares an area of 10.06 hectares being unallocated State land described as lot 1 on SP243421 as part of Cordalba State Forest, and
- revokes an area of 14.684 hectares being parts of Spencer Gap State Forest described as lots 1 to 4 on SP281903.

Committee comment

The Amendment Regulation raises no FLP issues, and the Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.10 Fisheries (East Coast Trawl) Amendment Management Plan (No.1) 2016

The Fisheries (East Coast Trawl) Management Plan 2010 (the plan) generally regulates trawl fishing in eastern Queensland, where prawn, bugs and scallops are the principal target species.

The Amendment Management Plan prohibits attachments which protrude from the shoe of trawl sleds, otter boards or beams used to deploy otter and beam trawl nets. It also allows partial processing of scallops to half-shell form whilst on a vessel in waters outside schedule 3 of the Plan, and changes the specification for the square mesh cod end used in the fishery from 33 bars long to 1.5m when stretched.

The Amendment Management Plan also corrects a reference in section 61 of the Plan to correctly refer to section 62A which provides escape hole requirements for a turtle excluder device as intended.

Rights and liberties - Legislative Standards Act 1992, section 4(2)(a)

Clauses 6 – 21 inclusive restrict the use and possession of particular fishing apparatus and attachments. The use of these attachments are thought to, inter alia, be a high impact on marine habitats, cause environmental damage and limit the sustainability of prawn stocks. However, restricting the use and possession of these items interferes with business activities and arguably the rights and liberties of those in the fishing industry to regulate their own business activity.

It is noted the fishing industry is already regulated and some of this regulation exists to preserve the environment and marine stocks. The Explanatory Notes state that early consultation between staff of Fisheries Queensland and trawler operators in Mooloolaba resulted in operators agreeing to voluntarily cease using spikes on their sleds but “despite this voluntary agreement, their use has continued.” The Queensland Seafood Industry Association, Department of Primary Industries (New South Wales) and the Great Barrier Reef Marine Park Authority (GBRMPA) were consulted about the issue. Fisheries Queensland also received submissions from other stakeholders including individual trawl operators and the Australian Marine Conservation Society (AMCS).⁸

Committee comment

The committee is satisfied that the potential interference by clauses 6-21 with business activities is justified, given the failure of the voluntary agreement between Fisheries Queensland and trawler operators, and given that the restrictions do not appear overly burdensome.

The Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.11 Nature Conservation and Other Legislation Amendment Regulation (No.1) 2016

The objective of this Amendment Regulation is to reflect the transfer of the licensing framework for exhibiting and displaying protected wildlife from subordinate legislation under the *Nature Conservation Act 1992* to the *Exhibited Animals Act 2015*.

Contains only matter appropriate to subordinate legislation - Legislative Standards Act 1992, s.4(5)(c)

In *Alert Digest* No. 4 of 1996, the Scrutiny Committee adopted a formal policy (Policy No.2 of 1996) on the question of delegation of legislative power to create offences and prescribe penalties. This policy includes a number of safeguards, one of which sets out:

The maximum penalties should be limited, generally to 20 penalty units⁴

Here, clause 17 purports to amend the Nature Conservation (Wildlife Management) Regulation 2006 (the Regulation) to introduce two penalties of 165 and 120 penalty units respectively for certain offences. Both penalties greatly exceed that recommended above by the former Scrutiny Committee.

The regulation making power in section 175 of the *Nature Conservation Act 1992* provides for a regulation to ‘prescribe offences for contraventions of a regulation, and fixing a maximum penalty of a fine of not more than 165 penalty units for such a contravention.’ Similar offences and corresponding penalty units already exist in the Regulation. The department advised the committee that:

...without amendment to the Regulation, upon commencement of provisions in the Exhibited Animals Act 2015 on 1 July 2016, these requirements would cease to apply to wildlife exhibitors and demonstrators who have an authority under that Act. This is because sections 32 and 33 apply only to authorities issued under the Nature Conservation Act 1992. However, it was Government’s intent to retain these requirements for exhibitors and demonstrators who have an authority under the Exhibited Animals Act 2015.

Rather than amend sections 32 and 33 to also apply to authorities under the Exhibited Animals Act, the Office of Queensland Parliamentary Counsel suggested that the requirements instead be replicated as stand-alone provisions for exhibitors and demonstrators who have an authority under the Exhibited Animals Act 2015. Consequently, sections 240A and 240B were inserted into the Nature Conservation (Wildlife Management) Regulation 2006. As sections 240A and 240B are

⁸ Explanatory Notes, p.4.

*a replication of the provisions in sections 32 and 33, the maximum stated penalty units were also replicated – with 165 penalty units under s240A and 120 penalty units under s240B.*⁹

The department further advised that the insertion of sections 240A and 240B was not the subject of consultation with exhibitors and demonstrators, as these sections merely continue requirements that were in place prior to the new exhibited animals framework coming into effect. However, the Department of Justice and Attorney-General and the Department of Agriculture and Fisheries were consulted to ensure that these provisions did not impose any new requirements on demonstrators and exhibitors.¹⁰

Committee comment

On balance the committee is satisfied the potential breach of Clause 17 of FLPs by prescribing significant offences with substantial penalties in the Nature Conservation (Wildlife Management) Regulation 2006, rather than in an Act, is justified. The committee notes that the prescribing of the offences in the Regulation is consistent with the regulation making powers in section 175 of the *Nature Conservation Act 1992*, that the new offences are effectively continuing existing offences rather than creating new offences, and that the newly prescribed offences and penalties are consistent with offences penalties already prescribed under the Regulation.

The committee also notes that the Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.12 Rural and Regional Adjustment Regulation (No.1) 2016

The objective of this Regulation is to reduce the potential for overfishing in areas outside of the net free zones by buying out further commercial fishing boat licences and all attached fishing symbols on those licences by inserting (as Schedule 29) the Further Commercial Fishing Licences Surrender Scheme as an approved assistance scheme under the *Rural and Regional Adjustment Act 1994*.

This Regulation provides for a third round of fishing licence buybacks as part of the Government's policy to establish three net-free fishing zones: Trinity Bay – Cairns; St Helens Beach – Cape Hillsborough, North of Mackay; and Yeppoon/Keppel Bay/Fitzroy River, Capricorn Coast. The original buyback target was 46 commercial fishing boat licences.

The Regulation provides a further \$3.5 million for buybacks to address increasing fishing pressures north and south of the new zones by displaced fishers. To date only 27 licences have been purchased from the 78 eligible commercial fishing licence holders. Twenty of the 27 licences were large mesh net licences and seven were small mesh net licences, more commonly known as bait nets.

The Queensland Seafood Industry Association, Fisherman's Portal, Recreational Fishing Alliance, Sunfish, WWF-Australia and Great Barrier Reef Marine Park Authority support the scheme.

Committee comment

The Regulation raises no FLP issues, and the Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.13 Veterinary Surgeons Regulation 2016

The objective of the Regulation is to remake the Veterinary Surgeons Regulation 2002 prior to its expiry on 31 August 2016 to continue to provide for the effective administration of the *Veterinary Surgeons Act 1936* (the Act).

Institution of Parliament - Legislative Standards Act 1992, section 4(5)(e)

Both sections 20 and 22 of the remade Regulation potentially breach the fundamental legislative principle that the subdelegation of a power delegated by an Act should only be allowed in appropriate cases, to appropriate persons, and if authorised by an Act.

⁹ Department of Environment and Heritage Protection, 2016, *Correspondence*, 13 October.

¹⁰ Department of Environment and Heritage Protection, 2016.

The Explanatory Notes state:

Section 20 of the remade Regulation

Section 18(1) of the Act provides that to become a registered veterinary surgeon, the person must be a holder of a degree/diploma in veterinary science of a university or other body or be a member of a college or other body of veterinary surgeons (the qualifications). In either case, the qualifications must have been granted after due examination and the Governor in Council, by regulation, is delegated to recognise the qualifications.

Section 20 of the remade Regulation provides the type of qualifications or membership recognised for section 18(1)(a) of the Act. However, section 20 subdelegates the recognising of the qualifications to a body mentioned in schedule 1, part 1, which contains a list of the various accrediting bodies. Likewise, section 20 of the remade Regulation recognises qualifications for section 18(1)(b) of the Act that are listed in schedule 1, part 3 as being those degrees or diplomas awarded after at least four years of study at a veterinary school that is listed by various accrediting bodies.

Section 22 of the remade Regulation

Similarly, section 19D of the Act provides that the Governor in Council may, by regulation, prescribe the branches of veterinary science which are to be veterinary specialties in respect of which a veterinary surgeon may be registered as a veterinary specialist.

Section 22 of the remade Regulation provides that the branches for section 19D of the Act are those branches of veterinary science recognised as a specialty by the Australasian Veterinary Boards Council Incorporated.

The potential FLP breaches in sections 20 and 22 are considered to be justified because the bodies listed, which are national and international organisations, are best placed to recognise the qualifications that a person would need in order to become a registered veterinary surgeon and a veterinary specialist, respectively, and to conduct their own analysis of the adequacy of qualifications and prescribed examinations which are constantly changing. Also, it is not practical to amend the legislation every time those bodies assess/re-assess the adequacy of a qualification or examination.¹¹

Committee comment

The committee is satisfied that the potential breach of FLPs is justified in this instance. The Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.14 Biosecurity and Other Legislation Amendment Regulation (No.1) 2016

This Amendment Regulation:

- extends the application of the maximum residue limit for certain chemicals to include the tissue of a trade species and a product derived from a trade species animal;
- excludes ‘harvesting bins’ from the definition of *cucumber green mottle mosaic virus carrier*;
- includes an appliance or soil that has come into contact with a plant of the family *Pinaceae* in the definition of *giant pine scale carrier*;
- removes the movement restriction on sugarcane pest carriers moving from a biosecurity zone to another State;
- removes ‘holders of a licence to sell S7 poisons, other than for human therapeutic use, granted under section 233 of the Health (Drugs and Poisons) Regulation 1996’ as a class of persons that the chief executive may appoint as an inspector;
- extends the class of person that the chief executive may appoint as an authorised person to include employees of a company that is the holder of the relevant licence; and

¹¹ Explanatory Notes, p.3.

- provides that invasive animals which are category 3 restricted matter can be distributed or disposed of if it is authorised under a law of the State, the Commonwealth or another State.

Institution of Parliament - Legislative Standards Act 1992, section 4(5)(e)

Section 43 of the *Biosecurity Act 2014* provides that a person must not distribute or dispose of category 3 restricted matter unless the distribution (which includes giving, selling or trading) or disposal is in accordance with that section including under a restricted matter permit or in a way that is prescribed under a regulation. Consequently, persons holding exhibition licences under the *Exhibited Animals Act 2015* would still require a restricted matter permit to distribute invasive animals that are category 3 restricted matter even though they are authorised to buy or accept these animals and sell or give these animals in certain circumstances under the *Exhibited Animals Act 2015*. That is, exhibition licence holders would need to hold a restricted matter permit as well as their exhibition licence to sell or give these animals.

The provisions in the subordinate legislation that provide that category 3 restricted matter that is an invasive animal may be disposed of or distributed in a way authorised under another Act or a law of the Commonwealth are effectively a subdelegation of legislative power.

The Explanatory Notes state:

*The provisions are justified on the basis that the subdelegation is to another piece of legislation and is not an administrative decision or non-legislative document. It will reduce the red tape and expense for the holder of an exhibited animals' authority by ensuring they do not have to make application for a restricted matter permit under the Biosecurity Act 2014 when they want to sell or give away an animal to a person who is lawfully able to buy or accept it.*¹²

Committee comment

The committee is satisfied that the potential breach of FLPs is justified in this instance. The Explanatory Notes comply with the *Legislative Standards Act 1992*.

3.15 Rural and Regional Adjustment Regulation (No.2) 2016

The objective of this Amendment Regulation is to amend schedule 23 of the Rural and Regional Adjustment Regulation 2011 to ensure that the Special Disaster Assistance Scheme is administered in accordance with the revised Federal Government guidelines. The changes to Schedule 23 comprise:

- a name change from 'Special Disaster Assistance Scheme' to 'Natural Disaster Recovery Grants Scheme'
- changes to the list of activities that grants can be used for which are now largely the same for both the \$10,000 standard grants and the \$25,000 exceptional circumstances grants. The key exception is standard grants can't be used to fund the purchase, hire or lease costs for equipment or materials essential to the immediate resumption of farming), and
- minor changes to the definition of small business to allow certain categories of businesses to apply for assistance even if the business did not provide more than 50 per cent of the applicant's income.

Committee comment

The Regulation raises no FLP issues. The Explanatory Notes comply with the *Legislative Standards Act 1992*.

Recommendation 1

The committee recommends that the Legislative Assembly note the contents of this report.



Glenn Butcher MP
Chair
October 2016

¹² Explanatory Notes, p.4.