

**Subordinate legislation tabled on
16 February 2016**

Report No. 18, 55th Parliament
Agriculture and Environment Committee
May 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 February 2016 (as listed below) that the committee has examined.

SL nos 178, 180, 185 and 190 were tabled on 16 February 2016 and have a disallowance date of 12 May 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
178	Marine Parks (Declaration) and Another Regulation Amendment Regulation (No.1) 2015	16/02/2016	12/05/2016
180	Coastal Protection and Management Amendment Regulation (No.1) 2015	16/02/2016	12/05/2016
185	Plant Protection Amendment Regulation (No.2) 2015	16/02/2016	12/05/2016
190	Nature Conservation (Macropod Harvest Period 2016) Notice 2015	16/02/2016	12/05/2016

In relation to the **SL180** Coastal Protection and Management Amendment Regulation (No.1) 2015, the committee wrote to the Local Government Association of Queensland and the Real Estate Institute of Queensland (REIQ) inviting their comments as to:

- Whether the removal of the sea level rise component has had any consequences with regard to property values, and
- Whether unintended effects have been observed in the operation of coastal management plans.

The REIQ advised were unable to provide comment on behalf of their members in the time available.⁴

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 Real Estate Institute of Queensland, 2016, *Correspondence*, 26 April.

In relation to the impacts on land values, the LGAQ advised:

The LGAQ does not hold data about property values. Regardless, it would be difficult to separate other economic factors in play to identify this change in policy as a driving factor in house prices on the coast, particularly over what was a relatively short period of time.⁵

In relation to whether unintended effects have been observed in the operation of coastal management plans, the LGAQ advised:

Members have not contacted the LGAQ citing the reinstatement of climate change factors as an issue in any area of council coastal planning or management.

Councils were concerned about the removal of climate change factors from the mapping for two reasons:

- *Increased risk of legal liability if planning and development decisions were made without the consideration of the likely impacts of future climate changes; and*
- *Difficulty in securing re-insurance for the local government mutual liability scheme. Re-insurers are increasingly requiring demonstration of the consideration of climate change impacts.⁶*

In relation to **SL190** Nature Conservation (Macropod Harvest Period 2016) Notice 2015, the committee received a public briefing⁷ by the Department of Environment and Heritage Protection on 20 April 2016. The briefing explained the background policy and how quotas and the areas for the annual Macropod harvest in Queensland are determined.

3 Findings and recommendations

The committee recommends that the Legislative Assembly note the subordinate legislation tabled on 16 February 2016 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.



Glenn Butcher MP
Chair
May 2016

⁵ Local Government Association of Queensland, 2016, *Correspondence*, 29 April.

⁶ LGAQ, 2016, *Correspondence*.

⁷ The transcript of the briefing is available from the committee's web pages at:
<http://www.parliament.qld.gov.au/documents/committees/AEC/2015/Sub-leg-2015/trns-pb20Apr2016.pdf>.