



Subordinate legislation tabled 1 March - 21 March 2017

**Report No. 37, 55th Parliament
Agriculture and Environment Committee
June 2017**

Agriculture and Environment Committee

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| Deputy Chair | Mr Pat Weir MP, Member for Condamine |
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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, fisheries and rural economic development; 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) that the committee has examined.

2 Subordinate legislation considered

The table below lists the SL considered and 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.

| SL No | Subordinate Legislation | Tabled On | Disallowance Date |
|-------|--|------------|-------------------|
| 31 | Waste Reduction and Recycling (Fees) Amendment Regulation 2017 | 21/03/2017 | 09/08/2017 |
| 36 | Fisheries (Deception Bay and Jumpinpin – Broadwater Declared Fish Habitat Areas) Amendment Regulation 2017 | | |

3 Findings and recommendations

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

3.1 SL 31 Waste Reduction and Recycling (Fees) Amendment Regulation 2017

The objective of the Waste Reduction and Recycling (Fees) Amendment Regulation 2017 (the regulation) is to update the fee nomenclature in Schedule 7 of the Waste Reduction and Recycling Regulation 2011 in order to replace terminology associated with the old beneficial use approval framework with terminology for the current end of waste framework. More specifically, references to 'specific approvals' will be replaced with 'end of waste approvals'. There are no new or additional fees.

Committee comment

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

3.2 SL 36 Fisheries (Deception Bay and Jumpinpin – Broadwater Declared Fish Habitat Areas) Amendment Regulation 2017

The objectives of the Fisheries (Deception Bay and Jumpinpin-Broadwater Declared Fish Habitat Areas) Amendment Regulation 2017 are to:

- (1) amend the management level of part of the Deception Bay declared Fish Habitat Area (FHA) from a management A area to a management B area;

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.

- (2) amend the management level of two parts of the Jumpinpin-Broadwater declared FHA from management A areas to management B areas; and
- (3) convert the method of describing the location of the outer boundary of the Jumpinpin-Broadwater declared FHA in three locations to a geographic coordinate based description.

The Deception Bay declared FHA amendment is required to allow for a road bridge to be constructed over Cundoot Creek, at Caboolture, to provide access to a significant residential development. Amendments to the management level of the Jumpinpin-Broadwater declared FHA, at Jacobs Well and Currigee, are required to allow for the installation of buoy moorings. The amendments to the Jumpinpin-Broadwater declared FHA, at Jacobs Well in the northern Broadwater and near the southern end of Russell Island, converts the 'midstream' boundary description to a geographic coordinate based description that is more precise.

Committee comment

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

Recommendation 1

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



Chair

June 2017