

**Subordinate legislation
tabled 22 March - 9 May 2017**

Report No. 41, 55th Parliament
Agriculture and Environment Committee
August 2017

Agriculture and Environment Committee

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1 Introduction

1.1 Role of the committee

The Agriculture and Environment Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 27 March 2015 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.¹

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.

Section 93(1) of the *Parliament of Queensland Act 2001* provided that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles, and
- 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 59² in respect of any of the legislation.

SL No	SL	Tabled On	Disallowance Date
37	Rural and Regional Adjustment (Farm Management Grants) Amendment Regulation 2017	09/05/2017	23/08/2017
47	Nature Conservation (Protected Areas Management – Communications and Water Supply Facilities) Amendment Regulation 2017		
53	Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2017		
56	Fisheries (Coral Reef Fin Fish) Quota Amendment Declaration 2017		
66	Proclamation made under the <i>Environmental Protection (Underground Water Management) and Other Legislation Amendment Act 2016</i>		

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

² 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

3.1 Rural and Regional Adjustment (Farm Management Grants) Amendment Regulation 2017

The objective of the Rural and Regional Adjustment (Farm Management Grants) Amendment Regulation 2017 is to introduce the Farm Management Grants Scheme to assist primary producers, or their relatives, who have received eligible professional advice from a suitably qualified professional adviser. The nature of the assistance that may be given to an applicant under the scheme is a rebate of half of the amount paid by the applicant for the eligible professional advice, to a maximum of \$2500 per financial year.

The scheme is administered by the Queensland Rural and Industry Development Authority (QRIDA) (formerly QRAA). Assistance under the scheme is subject to QRIDA having available assistance funds. If expenditure on grants exceeds available funds, QRIDA will decline the application.

The explanatory notes state that Farm Management Grants are one of the measures provided for as part of the Rural Assistance Package announced in the 2016-17 State Budget.

According to the explanatory notes, the Department of Agriculture and Fisheries consulted 'with industry groups and QRAA as to the structure of the grants program. This consultation influenced the structure of the program and the activities that will become available for rebate under the program.'

Committee comment

The Amendment Regulation raises no fundamental legislative principle issues, and the explanatory notes comply with the *Legislative Standards Act 1992*.

3.2 Nature Conservation (Protected Areas Management – Communications and Water Supply Facilities) Amendment Regulation 2017

The objective of the Nature Conservation (Protected Areas Management-Communications and Water Supply Facilities) Amendment Regulation 2017 is to amend Schedule 3 of the Nature Conservation (Protected Areas Management) Regulation 2006 to permit proposed water and communication uses within D'Aguilar National Park, Hull River National Park, Macalister Range National Park, Noosa National Park and Tewantin National Park. The proposed uses have been assessed and meet the requirements for the grant of an authority under s 35 of the *Nature Conservation Act 1992*.

According to the explanatory notes, officers of the Department of National Parks, Sport and Racing consulted with the applicants for the authorities and key stakeholders through departmental correspondence, on-site visitations and telephone conversations. The explanatory notes state 'Standard notification or consultation includes addressing Native title and other agencies where joint land administration arrangements occur.' The explanatory notes do not state whether there were any joint land administration arrangements for the land the subject of these amendments or whether the 'standard notification or consultation' was carried out for these amendments.

Committee comment

The Amendment Regulation raises no fundamental legislative principles issues, and the explanatory notes comply with the *Legislative Standards Act 1992*.

3.3 Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2017

The Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2017 revokes part of one national park and part of two conservation parks for public road purposes. Specifically, it revokes part of:

- Lamington National Park to align a road reserve with the actual constructed road that occurred as a result of historical surveying and construction errors,
- Hays Inlet Conservation Park 2 to ratify the construction of a drain culvert for the Anzac Avenue–Moreton Bay Rail Link Rothwell train station intersection, and
- Palmview Conservation Park to allow for the upgrade of the Pignata Road off-ramp as a component of the Bruce Highway–Caloundra Road to Sunshine Motorway Upgrade Project and to further decrease the area of the conservation park due to a recalculation of the area using contemporary survey and mapping technology.

The amendment proposals were tabled in the Queensland Parliament on 1 December 2016 in accordance with s 32 of the *Nature Conservation Act 1992* (the Act). The amendment proposals were advertised in The Courier Mail, Gold Coast Bulletin, Redcliffe and Bayside Herald and Sunshine Coast Daily on 7 December 2016 in accordance with s 173Q of the Act. On 15 February 2017, the amendment proposals were passed by a resolution agreed to by the Legislative Assembly of Queensland.

The explanatory notes state the revocations will not increase costs to the State.

According to the explanatory notes, consultation occurred with the public, private stakeholders, the Department of National Parks, Sport and Racing, the Department of Transport and Main Roads, the Department of Natural Resources and Mines, the Department of the Premier and Cabinet and Queensland Treasury. As a consequence of the advertised public notices, one enquiry was received regarding Hays Inlet Conservation Park 2 and two enquiries were received regarding Palmview Conservation Park; however no public submissions were received.

Committee comment

The Amendment Regulation raises no fundamental legislative principles issues, and the explanatory notes comply with the *Legislative Standards Act 1992*.

3.4 Fisheries (Coral Reef Fin Fish) Quota Amendment Declaration 2017

The Fisheries (Coral Reef Fin Fish) Quota Amendment Declaration 2017 increases the annual quota for regulated coral trout in the Coral Reef Fin Fish Fishery by 46 tonne from 917 tonne to 963 tonne. The quota is ongoing but, according to the explanatory notes, is to initially apply for the period from 1 July 2017 to 30 June 2018.

The annual quota for the 2017-18 season was calculated by using established quota setting decision rules and an analysis of catch and effort levels based on data from the fishery. In accordance with s 44(3) of the *Fisheries Act 1994*, the chief executive engaged in consultation before declaring the quota. The Coral Reef Fin Fish Fishery Working Group (CRFFFWG) was established to review the quota and provide advice on operational issues in the fishery to the Department of Agriculture and Fisheries. The CRFFFWG provided the department with a recommendation after analysing the 2015 and 2016 coral trout catch and effort information.

According to the explanatory notes, there is some concern among the commercial fishing sector about the efficacy of the current decision rules. The explanatory notes state that it has been agreed that a review of the decision rules will be undertaken ahead of the 2018-19 quota declarations.

Committee comment

The Amendment Declaration raises no fundamental legislative principles issues, and the explanatory notes comply with the *Legislative Standards Act 1992*.

3.5 Proclamation made under the *Environmental Protection (Underground Water Management) and Other Legislation Amendment Act 2016*

The Proclamation provides for commencement of Part 3 of the *Environmental Protection (Underground Water Management) and Other Legislation Amendment Act 2016* (the Act) on 5 May 2017.

Part 3 of the Act amends the *Queensland Heritage Act 1992* to provide for the appointment, by local government, of authorised persons to carry out compliance and enforcement activities for the local heritage provisions of the *Queensland Heritage Act 1992*. The amendments are directed at correcting an omission in earlier amendments to the *Queensland Heritage Act 1992* that introduced the local heritage provisions. These earlier amendments were part of the *Queensland Heritage and Other Legislation Amendment Act 2014*.

The explanatory notes state that the costs of implementing the amendments will be met from within existing departmental resources.

According to the explanatory notes, extensive consultation was undertaken prior to passage of the *Queensland Heritage and Other Legislation Amendment Act 2014*, the outcome of which was widespread support for the inclusion of the local heritage provisions.

Committee comment

The Proclamation raises no fundamental legislative principles 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.



Joe Kelly MP
Chair

August 2017