

**Subordinate legislation
tabled 12 October – 29 November 2016**

Report No. 31, 55th Parliament
Agriculture and Environment Committee
March 2017

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, 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 subordinate legislation considered and the deadlines 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
185	Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2016	01.11.16	02.03.17
188	Fisheries (Commercial Trawl Fishery – Fin Fish) Quota Amendment Declaration 2016		
191	Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2016		
193	Fisheries Amendment Regulation (No. 3) 2016		
194	Rural and Regional Adjustment (Farm Business Concessional Loans Scheme – Drought Assistance Concessional Loans) Amendment Regulation 2016		
202	Nature Conservation (Protected Areas) (Pullen Pullen Reserve Nature Refuge) Amendment Regulation 2016	29.11.16	11.05.17

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 SL 185 Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2016

Policy objectives

The objective of the Amendment Regulation is to dedicate areas of unallocated State land as national park.

To achieve its objective, the Amendment Regulation will amend:

Schedule 2 of the Nature Conservation (Protected Areas) Regulation 1994 to dedicate:

- a. an area of about 7.53 hectares being unallocated State land described as lot 1 on SP247478, lot 1 on SP247479, lot 1 on SP247480 and lot 1 on SP247481, and combine the area with the existing D'Aguilar National Park.
- b. an area of 4.4845 hectares being unallocated State land described as lots 4 to 6 on SP235546 and lot 9 on SP249158, and combine the area with the existing Eungella National Park.
- c. an area of 0.6120 hectares being unallocated State land described as lot 137 on SP197064, and combine the area with the existing Ferntree Creek National Park.
- d. an area of 183.3516 hectares being unallocated State land described as lot 7 on RP741163, lot 10 on RP741164, lot 14 on RP741166 and lot 1 on SP260087, and combine the area with the existing Kelvin National Park.
- e. an area of 0.02 hectares being unallocated State land described as lot 50 on SP261073, and combine the area with the existing Nicoll Scrub National Park.

Committee comment

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

3.2 SL 188 Fisheries (Commercial Trawl Fishery – Fin Fish) Quota Amendment Declaration 2016

Policy objectives

The objective of the subordinate legislation is to declare changes to the annual quota for the Commercial Trawl Fishery—Fin Fish for the 2017 quota year.

The quota for prescribed whiting is increased by 16 tonne from 1090 tonne to 1106 tonne. The increase is because of an overall upward trend in the estimated survival index. The quota for both goatfish and yellowtail scad remain unchanged (100t).

The amendment has no expiry and will remain in place until the next declaration.

The declared quotas for the commercial trawl fishery are consistent with the established decision rules to ensure continued sustainability of the fishery.

Consultation

Fisheries Queensland has consulted commercial fishers who operate in the fishery on 30 August 2016. Fishers were unanimously supportive of the proposed 2017 season quotas for prescribed whiting, goatfish and yellowtail scad.

Committee comment

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

3.3 SL 191 Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2016

Policy objectives

The Amendment Regulation will dedicate areas of unallocated State land, on becoming Aboriginal land, as a national park (Cape York Peninsula Aboriginal land).

Achievement of policy objectives

The Amendment Regulation will amend Schedule 4 of the *Nature Conservation (Protected Areas) Regulation 1994* to dedicate a national park (Cape York Peninsula Aboriginal land).

Consultation

The Queensland Government has consulted with the Aboriginal people particularly concerned with the land, the Balnggarrawarra Aboriginal Corporation, the Cape York Land Council Aboriginal Corporation, the Balkanu Cape York Development Corporation and Cook Shire Council in relation to creation of the protected areas.

All parties agreed to the proposed actions.

Committee comment

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

3.4 SL 193 Fisheries Amendment Regulation (No. 3) 2016

Policy objectives

The Amendment Regulation provides for a number of minor amendments to the Fisheries Regulation 2008 (Regulation) identified during the Fisheries Queensland's regular review of its legislation and the review of the freshwater fisheries which commenced in 2011. These amendments are required to clarify the original intent of fisheries policies, remove unnecessary regulatory burden, correct certain descriptions of regulated waters, correct or clarify the scientific names for certain fish species and to remove obsolete provisions.

Consultation

Consultation in relation to the corrections to the number of freshwater fish and typographical errors relating to for Edgbaston hardyhead (*Craterocephalus sp.*), Gulf grunter (*Scortum ogilbyi*), Myross hardyhead (*Craterocephalus sp.*) and Utchee Creek rainbowfish (*Melanotaenia utcheensis*) in part 3 of schedule 6 and the inclusion of new waters as prescribed barramundi waterways was conducted with industry stakeholders and the general public as part of the freshwater fisheries review that commenced in 2011 and resulted in a Regulatory Impact Statement process in 2014. All the amendments were supported.

Industry stakeholders and the Great Barrier Reef Marine Park Authority were consulted in relation to increasing the maximum allowable primary vessel length from 20 metres to 25 metres in the East Coast tropical Rock Lobster Fishery. This amendment was also supported.

Committee comment

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

3.5 SL 194 Rural and Regional Adjustment (Farm Business Concessional Loans Scheme – Drought Assistance Concessional Loans) Amendment Regulation 2016

The objective of the Rural and Regional Adjustment (Farm Business Concessional Loans Scheme – Drought Assistance Concessional Loans) Amendment Regulation 2016 is to allow the Queensland Rural Adjustment Authority (QRAA) to administer the Farm Business Concessional Loans Scheme - Drought Assistance Concessional Loans on behalf of the Federal Government.

The Federal Government intends establishing the Regional Investment Corporation (RIC) which will be the single administrator for the National Water Infrastructure Loan Facility and Federal Government concessional loans throughout Australia. However, until the RIC is established, as a transitional

arrangement, the Federal Government is merging the two drought loan products currently administered by QRAA into a new program called Farm Business Concessional Loans Scheme - Drought Assistance Concessional Loans. The Federal Government has asked that QRAA administer this Scheme.

All assistance schemes administered by QRAA are established under the Rural and Regional Adjustment Regulation 2011. Accordingly, the administration of a new assistance scheme will require regulatory amendment.

Committee comment

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

3.6 Nature Conservation (Protected Areas) (Pullen Pullen Reserve Nature Refuge) Amendment Regulation 2016

The objective of the Nature Conservation (Protected Areas) (Pullen Pullen Reserve Nature Refuge) Amendment Regulation 2016 (the Regulation) is to declare one new nature refuge.

Declaring areas that protect the biological diversity of native wildlife and its habitat, provide for the ecologically sustainable use of areas, recognise the interests of Aboriginals and Torres Strait Islanders in nature and native wildlife, and encourage the cooperative involvement of landholders in the conservation of nature, are core components in achieving the conservation of nature (the object of the Act as per section 4).

To achieve its objective, the Regulation will amend Schedule 5 of the Nature Conservation (Protected Areas) Regulation 1994 to declare an area of about 56,398.68ha being leasehold land described as part of lot 2 on SP277388 as a nature refuge, a class of protected area under section 14 of the Act.

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.



Joe Kelly MP
Chair

March 2017