

**Subordinate legislation  
tabled 17 August – 13 September 2016**

**Report No. 28, 55<sup>th</sup> Parliament**  
**Agriculture and Environment Committee**  
November 2016

## **Agriculture and Environment Committee**

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<b>Deputy Chair</b>	Mr Tony Perrett MP, Member for Gympie
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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*.<sup>1</sup> 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.<sup>2</sup>

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 between 17 August and 13 September 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 59<sup>3</sup> in respect of any of the legislation is 1 December 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
160	Waste Reduction and Recycling and Other Legislation Amendment Regulation (No.1) 2016	13/09/2016	1/12/2016
165	Proclamation made under the <i>North Stradbroke Island Protection and Sustainability and Other Acts Amendment Act 2016</i>		

## 3 Findings and recommendations

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

### 3.1 Waste Reduction and Recycling and Other Legislation Amendment Regulation (No.1) 2016

The object of the Waste Reduction and Recycling and Other Legislation Amendment Regulation (No.1) 2016 is to:

- extend the expiry of provisions relating to local government administration of waste management activities, in the Environmental Protection Regulation 2008 and the Waste Reduction and Recycling Regulation 2011, from 1 September 2016 to 1 July 2017, and
- remove the clause expiring the provisions that give effect to the National Environment Protection (Used Packaging Materials) Measure.

Clauses 3, 4 and 6 delay the expiry of provisions relating to local government's administration of waste management activities. The extension of the expiry date to July 2017 is intended to allow time for the Department of Environment and Heritage Protection to consult with local governments about the future of these provisions and whether they should transition to local laws. The department consulted with local government and the waste industry about these clauses of the regulation.

<sup>1</sup> Section 88 *Parliament of Queensland Act 2001* and Standing Order 194.

<sup>2</sup> Schedule 6 of the Standing Rules and Orders of the Legislative Assembly of Queensland.

<sup>3</sup> 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.

Clause 7 removes expiry provisions in the Waste Reduction and Recycling Regulation 2011 (the WRRR) that relate to the National Environment Protection (Used Packaging Materials) Measure by omitting Division 6 section 41W. With section 41W omitted, Part 5A (Used Packaging materials) of the WRRR will cease to have effect if either the National Environment Protection (Used Packaging Materials) Measure or the Australian Packaging Covenant is removed.

According to the Explanatory Notes, the removal of the expiry clause will have no cost implications.

**Committee comment**

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

**3.2 Proclamation made under the *North Stradbroke Island Protection and Sustainability and Other Acts Amendment Act 2016***

The Proclamation fixed a commencement date of 9 September 2016 for Part 5 of the *North Stradbroke Island Protection and Sustainability and Other Acts Amendment Act 2016*.

**Committee comment**

The Proclamation raises no FLP issues, and 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**  
November 2016