

**Subordinate legislation  
tabled 15 – 28 February 2017**

**Report No. 36, 55<sup>th</sup> Parliament**  
**Agriculture and Environment Committee**  
May 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*.<sup>1</sup> 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.<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) 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 59<sup>3</sup> in respect of any of the legislation.

SL No	Subordinate Legislation	Tabled On	Disallowance Date
10	Fisheries (East Coast Trawl) (TED Requirement) Amendment Management Plan 2017	28/02/2017	15/06/2017
11	Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2017		
12	Forestry (State Forests) Amendment Regulation (No. 1) 2017		
21	Nature Conservation (Protected Areas Management) (Appointment of Trustee of Wongaloo Conservation Park) Amendment Regulation 2017		

## 3 Findings and recommendations

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

### 3.1 SL 10 Fisheries (East Coast Trawl) (TED Requirement) Amendment Management Plan 2017

The objective of the Fisheries (East Coast Trawl) (TED Requirement) Amendment Management Plan 2017 (the Amendment Management Plan) is to provide greater protection for sea turtles and to reduce the ecological risks that have been attributed to trawling by ensuring that turtle excluder devices (TEDs) used in the East Coast Trawl Fishery in Queensland follow best practice.

Under the Fisheries (East Coast Trawl) Management Plan 2010 (the Management Plan), all trawl nets used in Queensland's East Coast Trawl Fishery must have TEDs. The mandatory use of TEDs is helping to prevent sea turtles from being caught in trawl fisheries. TEDs have an escape hole that may be covered by a double flap of webbing to reduce the possibility of losing prawns. The Management Plan allowed the TED flap overlap to be measured as a non-stretched measurement of 380mm. Trials have shown that flap overlap in excess of 380mm can significantly reduce the effectiveness of turtles escaping from TEDs.

The Amendment Management Plan requires the flap overlap to be a maximum of 380mm when stretched. This amendment is necessary to maintain best practice and retain United States Export certification.

<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.

The Explanatory Notes state that the new TED requirement will have minimal impact on industry. There is expected to be little cost for fishers to modify existing flaps to comply with the new requirement (no new material is required to reduce the amount of overlap; the change can be made simply by cutting or moving the existing flaps).

According to the Explanatory Notes, Fisheries Queensland received support from the Queensland Seafood Industry (QSIA) for the proposed change. QSIA consulted with its members regarding the proposed change. The Explanatory Notes claim that once the legislation has been notified, Fisheries Queensland would communicate with industry about the amendments prior to commencement.

The amendments commenced on 1 March 2017.

**Committee comment**

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

**3.2 SL 11 Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2017**

The objective of the Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2017 (the Amendment Regulation) is to dedicate areas of unallocated State land, increasing the area of three national parks.

The Regulation dedicates areas that protect the biological diversity of native wildlife and its habitat, provides for the ecologically sustainable use of protected wildlife and areas, recognises indigenous interests in protected areas and native wildlife, and encourages the cooperative involvement of landholders in the conservation of nature.

The Amendment Regulation amends the Nature Conservation (Protected Areas) Regulation 1994 to dedicate:

- an area of about 52 ha of unallocated State land and combine the area with the Bunya Mountains National Park
- an area of about 437 ha of unallocated State land and combine the area with the Mount Barney National Park, and
- an area of about 22 ha of unallocated State land and combine the area with the Wooroonooran National Park.

The Explanatory Notes state that it is considered that the Amendment Regulation will have “negligible costs”. No further detail regarding costs is provided in the Explanatory Notes, except a statement that the dedicated areas “will temporarily be unallocated State land which will not increase costs to the State”.

The Explanatory Notes state that consultation occurred with numerous state government departments, including the Department of National Parks, Sport and Racing, and Queensland Treasury.

**Committee comment**

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

**3.3 SL 12 Forestry (State Forests) Amendment Regulation (No. 1) 2017**

The objective of the Forestry (State Forests) Amendment Regulation (No. 1) 2017 is to revoke parts of State forests for roads, having regard to the purposes of the *Forestry Act 1959* and the public interest. The Amendment Regulation provides for the revocation of:

- an area of about 1.1 ha of Beerwah State Forest to realign the road geometry of the Roys-Mawson Roads Intersection for safety purposes
- an area of about 10.52 ha of Beerburum East State Forest to enable the construction of a new high-vehicle clearance structure to accommodate a median separated two lanes for Pumicestone

Road with an additional two auxiliary lanes for the storage of turning traffic and to allow for the Bruce Highway to be ultimately expanded to eight lanes

- an area of about 0.06 ha of Beerburrum East State Forest to realign the road geometry of parts of Pumicestone Road for safety and drainage purposes
- an area of about 7 ha of Yarraman State Forest for the construction and dedication of a new road reserve to maintain the connectivity of the existing road network, and
- an area of about 3.3 ha of Spencer Gap State Forest for the realignment of the Peak Downs Highway Eton Range crossing geometry to improve road safety and heavy vehicle transport reliability.

The Explanatory Notes state that implementing the Amendment Regulation is in the public interest and will have negligible costs. The revocation will not increase costs to the State.

According to the Explanatory Notes, consultation occurred with private stakeholders, the Sunshine Coast Regional Council, Queensland Treasury, the Department of Environment and Heritage Protection, the Department of Agriculture and Fisheries and the Department of Natural Resources and Mines. All parties supported the amendment.

#### **Committee comment**

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

### **3.4 SL 21 Nature Conservation (Protected Areas Management) (Appointment of Trustee of Wongaloo Conservation Park) Amendment Regulation 2017**

The objective of the Nature Conservation (Protected Areas Management) (Appointment of Trustee of Wongaloo Conservation Park) Amendment Regulation 2017 (the Amendment Regulation) is to establish the Wetlands and Grasslands Foundation (WGF) as trustee of Wongaloo Conservation Park (the park).

The Amendment Regulation:

- formally recognises WGF as trustee of the park
- lists the powers of the chief executive administering the *Nature Conservation Act 1992* to be granted to the trustee
- gives effect to a management agreement that has been negotiated between WGF and the Queensland Parks and Wildlife Service (QPWS), which details agreed-upon management responsibilities for both parties, and
- ensures that the park is managed in line with management principles for conservation parks, as described in the Act.

The *Nature Conservation Act 1992* enables the Governor in Council to place a conservation park under the management of a trustee (s 31).

The Amendment Regulation establishes WGF as trustee of the park which is located approximately 30km south-east of Townsville. The park covers 1,664 ha and was dedicated in 2012 primarily to conserve ecologically significant wetlands. The Explanatory Notes state that the primary benefit of appointing WGF as trustee is to provide for the ongoing management of the park by an appropriate and qualified body. There will be minimal impact on the State Government, as WGF will be primarily responsible for the day-to-day management of the park, including all associated management costs.

According to the Explanatory Notes, the Department of National Parks, Sport and Racing, particularly QPWS, were consulted on the proposed trusteeship. The QPWS supports the appointment of WGF as trustee, as it provides for sustainable management of the park without the need for additional QPWS resourcing.

There are no native title claims over the park; however, WGF consulted with the local Traditional Owners, the Bindal People.

**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**

May 2017