

State Development and Regional Industries Committee

Report No. 44, 57th Parliament

Subordinate legislation tabled between 15 March 2023 and 13 June 2023

1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 15 March 2023 and 13 June 2023. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).¹

The report also notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (HRA) and the human rights certificates tabled with the subordinate legislation.²

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
35	Rural and Regional Adjustment (Boosting Accessible Tourism Experiences Grant Scheme) Amendment Regulation 2023	9 May 2023	13 September 2023
36	Fisheries Quota (Regulated Coral Trout) Amendment Declaration 2023	23 May 2023	11 October 2023
44	Fisheries Legislation (Coral) Amendment Regulation 2023	13 June 2023	25 October 2023
48	Rural and Regional Adjustment (Carbon Farming Advice Assistance Scheme) Amendment Regulation 2023	13 June 2023	25 October 2023

*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

3 Committee consideration of the subordinate legislation

Unless noted below, the committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, the lawfulness of the subordinate legislation or non-compliance with the HRA.

The committee considers that the explanatory notes tabled with the subordinate legislation noted in this report comply with the requirements of section 24 of the LSA and that the human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the HRA.

¹ *Legislative Standards Act 1992*, Part 4.

² *Human Rights Act 2019*, s 41.

4 Rural and Regional Adjustment (Boosting Accessible Tourism Experiences Grant Scheme) Amendment Regulation 2023 – SL No. 35

The objective of the Rural and Regional Adjustment (Boosting Accessible Tourism Experiences Grant Scheme) Amendment Regulation 2023 (SL No. 35) is to develop and enhance accessibility for visitors by establishing the Boosting Accessible Tourism Grants Scheme (the scheme). The scheme provides grants to sole traders and small businesses in the tourism industry to make their activities more attractive and accessible, especially for disabled people. Grants will range from between \$5,000 to \$20,000 and take the form of dollar-for-dollar co-contributions. The total fund for the scheme is \$1 million. It will be administered by the Queensland Rural and Industry Development Authority. The explanatory notes anticipate that funded activities will include augmented reality displays, installing lifts, new signage, modifying vehicles and braille descriptions.³

5 Fisheries Quota (Regulated Coral Trout) Amendment Declaration 2023 – SL No. 36

The objective of the Fisheries Quota (Regulated Coral Trout) Amendment Declaration 2023 (SL No. 36) is to maximise the yield for coral trout within the Reef Line Fishery (an area predominantly within the Great Barrier Reef Marine National Park). SL No. 36 achieves this by reducing the total allowable commercial catch for regulated coral trout by 51 tonnes in advance of the 2023-24 fishing season.⁴ This reduction was informed by the results of the 2022 *Stock assessment of Queensland east coast common coral trout* but delayed following consultation with the Reef Line Fishery Working Group as a result of the effect of the COVID-19 pandemic.⁵ The reduction in the quota declaration will help ensure that the objective of achieving 60 per cent of unfished spawning biomass is achieved for the Reef Line Fishery.

The committee considered the impact of SL No. 36 on the right to property through the limits placed on Primary Commercial Fishing Licences. The committee considered the limitation on property rights as justified in light of the need to sustainably manage the Reef Line Fishery.⁶

6 Fisheries Legislation (Coral) Amendment Regulation 2023 – SL No. 44

The objective of the Fisheries Legislation (Coral) Amendment Regulation 2023 (SL No. 44) is to implement recommendations made by the Marine Aquarium Fish Fishery and Coral Fishery Working Group regarding the harvesting of coral species in the Queensland Coral Fishery (QCF).⁷ This will ensure that the harvesting of coral is undertaken in a way that continues to secure the Wildlife Trade Operation approval required for export while at the same time ensuring that the quota system does not lead to a 'race to fish'. SL No. 44 achieves this by implementing species-level Individual Transferable Quotas for 7 key coral species which had previously been collated into a single 'speciality corals' species. In essence, this ensure that fishers are not incentivised to race to harvest the most lucrative of these species, a scenario which could lead to environmental and business risks.⁸ SL No. 44 also amends the definition of 'relevant day' in the Fisheries Declaration 2019 to 'align annual dates for management controls used in the QCF'.⁹

³ SL No. 35, explanatory notes, p 2.

⁴ SL No. 36, explanatory notes, p 2.

⁵ SL No. 36, explanatory notes, pp 3-4.

⁶ SL No. 36, human rights certificate, p 2.

⁷ SL No. 44, explanatory notes, p 2.

⁸ SL No. 44, explanatory notes, p 1.

⁹ SL No. 44, explanatory notes, p 2. SL No. 44 amends the Fisheries (Commercial Fisheries) Regulation 2019, the Fisheries Declaration 2019, the Fisheries (General) Regulation 2019 and the Fisheries Quota Declaration 2019.

7 Rural and Regional Adjustment (Carbon Farming Advice Assistance Scheme) Amendment Regulation 2023 – SL No. 48

The objective of the Rural and Regional Adjustment (Carbon Farming Advice Assistance Scheme) Amendment Regulation (SL No. 48) is to make the purchase of professional advice about carbon farming more affordable for eligible Queenslanders. Carbon farming, the use of agricultural methods to either reduce greenhouse gasses from human activity and/or enhance the uptake and storage of carbon dioxide in soil, is a complex undertaking.¹⁰ The type of opportunities available and tools required are specific to individual landholder's location and agricultural needs which makes the provision of generic advice inappropriate. Following the announcement in November 2017 of the \$500 million Land Restoration Fund, the Queensland Government has operated a Carbon Farming Assistance Scheme (the scheme) to allow eligible landholders to offset the cost of carbon farming advice.¹¹ SL No. 48 introduces a new schedule into the *Rural and Regional Adjustment Regulation 2011* to enable the Queensland Rural and Industry Development Authority to administer the scheme. Under the scheme, eligible landholders (individuals, local governments, non-profit organisations, small to medium sized businesses) may receive a \$10,000 rebate for advice provided by an approved advisor. The scheme will operate in rounds and is currently funded to \$700,000.¹²

Committee comment

During our analysis of SL No. 48, we had difficulty determining the criteria for an 'approved advisor' and 'eligible carbon farming advice' in the legislation and wrote to the Department of Agriculture and Fisheries (the department) seeking more information. The department informed the committee that the criteria for an 'approved adviser' has been available since the original scheme launched in 2020 and that the document 'Carbon Farming Advice Scheme Standards Guide' referenced in SL No. 48 was published on the department's website on 27 June 2023 when the scheme was announced.¹³ We note that the subordinate legislation was tabled on 13 June 2023. We encourage the department to ensure that all external documents referred to in subordinate legislation are made easily available and published prior to the date subordinate legislation is tabled to ensure that Parliament can properly fulfil its scrutiny function.

8 Recommendation

The committee recommends that the House notes this report.



Chris Whiting MP

Chair

August 2023

State Development and Regional Industries Committee

Chair	Mr Chris Whiting MP, Member for Bancroft
Deputy Chair	Mr Jim McDonald MP, Member for Lockyer
Members	Mr Michael Hart MP, Member for Burleigh
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	Mr Jim Madden MP, Member for Ipswich West
	Mr Tom Smith MP, Member for Bundaberg

¹⁰ Queensland Government, Carbon farming in Australia, 30 July 2021.

¹¹ SL No. 48, Explanatory notes, p 1.

¹² SL No. 48, Explanatory notes, p 2.

¹³ Department of Agriculture and Fisheries, correspondence, 25 July 2023.