

PRIMARY INDUSTRIES AND OTHER LEGISLATION AMENDMENT BILL 2003

EXPLANATORY NOTES

FOR

AMENDMENTS TO BE MOVED IN COMMITTEE BY THE HONOURABLE HENRY PALASZCUK MP

Title of the Bill

Primary Industries and Other Legislation Amendment Bill 2003

Objective of the Amendments

The amendment to clause 41 corrects a drafting error in the Bill, which inadvertently omits a whole subsection rather than inserting one new matter into it.

The amendment to clause 79 makes a technical correction to the wording of the Bill so that it accurately reflects the agreement between the State and Commonwealth on the types of aquaculture development adjacent to the Great Barrier Reef World Heritage Area for which the new assessment and appeal process under Chapter 5, part 8A of the *Integrated Planning Act 1997* (IPA) will apply.

The Bill includes a requirement that a proposed hatchery for the production of larvae must have a minimum surface area of 1 hectare before the section applies. However as the State-Commonwealth agreement did not include this minimum requirement it is to be removed.

Achievement of the Objective

The amendments:

- correct a drafting error in clause 41 so that the clause delivers its intended result; and
- ensure clause 79 of the Bill accurately reflects the Commonwealth-State agreement. The agreement was that the types of aquaculture captured by the provision should reflect that currently identified under the *Great Barrier Reef (Aquaculture) Regulation 2000 (Cwth)* (GBRA Regulation). The GBRA Regulation does not require that larvae hatcheries have a minimum surface area before it applies. The provision in the Bill for a minimum surface area of 1 hectare is in error and this reference should be removed.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

The amendment to clause 79 ensures the wording of the Bill accurately reflects the agreement between the State and Commonwealth Governments and which was endorsed by industry and conservation sectors during consultation.

NOTES ON PROVISIONS

Clause 1 amends clause 41 of the Bill so that the new subsection 2(aa) is added to the existing list of matters provided for in section 196(2). This corrects an error in the clause, which as drafted, omits subsection (2) altogether, rather than adding one further matter to it.

Clause 2 amends clause 79 of the Bill so that a proposed aquaculture development that is a hatchery for the production of larvae which will cause the discharge of waste water within the specified geographical vicinity of the Great Barrier Reef Marine Park will be captured by new

section 5.8A.2 (When notification stage under this part applies), regardless of the size of its surface area.

The effect of the amendment is to remove the requirement in the Bill for the proposed hatchery to have a minimum surface area of at least one hectare before the notification stage will apply. The inclusion of this requirement in the Bill was in error.

This correction ensures the provision applies the public notification and appeal process being introduced into IPA to these hatcheries and is consistent with the current requirements of the GBRA Regulation and the Commonwealth-State agreement reached during consultation on the Bill.

The objective is to provide equivalency in the assessment and appeal process under IPA to that currently provided under the GBRA Regulation. Achieving equivalency is necessary to obtaining accreditation of Queensland law under the GBRA Regulation and ultimately, rationalisation of the current State and Commonwealth requirements into a single assessment and appeal processes under the IPA.