



Queensland

Environmental Protection Amendment Regulation (No. 2) 2011

Explanatory Notes for SL 2011 No. 80

made under the

Environmental Protection Act 1994

General outline

Short title

Environmental Protection Amendment Regulation (No. 2) 2011.

Authorising law

Section 580 of the *Environmental Protection Act 1994*

Policy objectives and the reasons for them

The objective of the Regulation is to update the *Environmental Protection Regulation 2008* to include the latest version of the “Code of environmental compliance for certain aspects of extractive and screening activities (ERA 16)”. The code of environmental compliance is being amended to expand the scope from extraction and screening for road maintenance to also include extraction and screening for the construction and maintenance of rail transport infrastructure and the construction and maintenance of roads.

Achievement of policy objectives

To achieve the objective, the *Environmental Protection Regulation 2008* is being amended to update the reference in Schedule 3, Part 1, Item 1 from version 5 to version 6.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the object of the *Environmental Protection Act 1994*, that is, to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (*ecologically sustainable development*).

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation. It provides for ecologically sustainable development, consistent with other State laws relating to impacts on the environment from development.

Benefits and costs of implementation

Implementation will be done within current departmental budgets. The implementation of this amendment and the amended code of environmental compliance will save now and in the future time and money in reconstruction of railway infrastructure affected by the severe flooding this year.

Consistency with fundamental legislative principles

Section 24(1)(i) of the *Legislative Standards Act 1992* was considered during the drafting of this regulation and this regulation is consistent with fundamental legislative principles. The amendments made by the Amendment Regulation must be in subordinate legislation because the provisions being amended are in subordinate legislation.

Consultation

The Queensland Reconstruction Authority and the Cement Concrete and Aggregate Association were consulted and support amending the code to facilitate the reconstruction activity.

Reasons for non-inclusion of information

This explanatory note includes all of the information required by section 24(4) of the *Legislative Standards Act 1992*.

Notes on provisions

Clause 1 of the Amendment Regulation states the short title.

Clause 2 of the Amendment Regulation states that the Amendment Regulation amends the Regulation.

Clause 3 of the Amendment Regulation amends Schedule 3, Part 1, Item 1 of the Regulation so that, “version 5” is replaced by “version 6”.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.