

Agriculture and Other Legislation Amendment Act 2020

Explanatory notes for SL 2020 No. 54

made under the

Agriculture and Other Legislation Amendment Act 2020

General Outline

Short title

Proclamation commencing stated provisions of the Agriculture and Other Legislation Amendment Act 2020

Authorising law

Section 2 of the *Agriculture and Other Legislation Amendment Act 2020*

Policy objectives and the reasons for them

The policy objective of the Proclamation is to fix 1 May 2020 as the commencement date for part 10, division 3 (section 97) of the *Agriculture and Other Legislation Amendment Act 2020* (AOLA Act).

The AOLA Act made amendments to 17 Acts and Regulations, including the *Fisheries Act 1994* (Fisheries Act). A number of amendments in the AOLA Act commenced on Assent (13 February 2020), others commence on specific dates, and only one, section 97, commences on a date to be fixed by proclamation.

Section 97 amends section 78 of the Fisheries Act. Commencement of the amendment to section 78 as a result of this Proclamation will clarify its interpretation. Section 78(1) currently states that a person must not unlawfully take, possess, use or sell a regulated fish. The amendment in section 97 of the AOLA Act clarifies that the actions of using or selling a regulated fish apply to those regulated fish that were unlawfully taken and unlawfully possessed.

Achievement of policy objectives

The policy objective is achieved by fixing the commencement day of 1 May 2020 for section 97 of the AOLA Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Proclamation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of the Proclamation is that it will commence the amendments to section 78 of the Fisheries Act which will clarify the taking, use, possession and sale of regulated fish.

There will be no costs to the Department of Agriculture and Fisheries in implementing the stated provision.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

As the Proclamation relates to the commencement of one provision of the AOLA Act, consultation with stakeholders was not required.

A self-assessment by the Department of Agriculture and Fisheries determined that no Regulatory Impact Analysis is required as the regulatory proposal is excluded under category (g) of the *Queensland Government Guide to Better Regulation* – regulatory proposals that are of a machinery nature.