



Australian Government
**Department of Agriculture,
Water and the Environment**

ANDREW METCALFE AO
SECRETARY

Ref: DAWE 07/20

2 September 2020

Committee Secretary
Senate Scrutiny of Delegated Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Correction to a submission made to the Senate Inquiry into the Exemption of delegated legislation from parliamentary oversight

As you are aware, the Department of Agriculture, Water and the Environment (the department) made a submission to the committee's inquiry into the Exemption of delegated legislation from parliamentary oversight on 26 June 2020. In the submission, reference was made to a number of instruments that are prescribed under the *Legislation (Exemptions and Other Matters) Regulation 2015* (LEOMR).

I would like to clarify and correct the evidence provided in relation to those instruments listed below. While those instruments listed below are prescribed under LEOMR as stated in the original correspondence, they are done so for the purposes of Part 5 – Particular legislative instruments that are not subject to sunset; not for legislative instruments not subject to disallowance under Part 4.

- *Basin Plan* adopted under section 44 of the *Water Act 2007*;
- an amendment of a *Basin Plan* adopted under section 23B or 48 of that Act;
- an amendment of a *Basin Plan* made under a regulation made under that Act;
- a decision to accredit a water resource plan under section 63 of that Act;
- a decision to accredit an amendment of a water resource plan under section 65 of that Act;
- a rule made under section 92 or 97 of that Act;
- a regulation made under that Act.

a. Each of the following:

- a declaration made under subsection 3(3) of the *Torres Strait Fisheries Act 1984*
- a Proclamation made under section 15 of that Act;
- an arrangement made under section 31 of that Act;
- a legislative instrument made by or on behalf of the Protected Zone Joint Authority in the exercise of a power under subsection 35(1) of that Act.

References made in the submission in relation to the above instruments for the purposes of not being subject to disallowance under s 44(2)(b) and the LMEOR therefore require correction.

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For completeness some of those listed, however, are not disallowable because the Water Act makes express provision to that effect (see s 44(2)(a) of the Legislation Act), in particular:

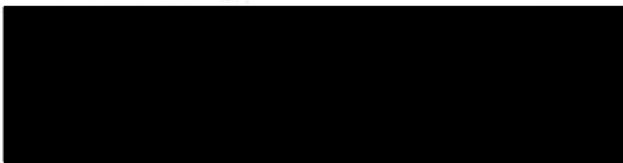
- decision to accredit a water resource plan under section 63 of that Act;
- a decision to accredit an amendment of a water resource plan under section 65 of that Act.

While Attachment A lists many of the provisions captured under s 44(2)(a) for the portfolio's Acts it is not intended to be an exhaustive list.

Some legislative instruments made by or for the purposes of an intergovernmental body (the Protected Zone Joint Authority) or scheme, for the purposes of the *Torres Strait Fisheries Act 1984*, have been specified as exempt from disallowance on the basis that they meet the criteria for exemption under subsection 44(1). However, this does not extend to legislative instruments made for the purposes of the *Basin Plan*.

I have attached an amended submission with the above changes for clarity. With the Committee's agreement, I request that the original submission be withdrawn and be replaced by the attached amended submission.

Yours faithfully



Andrew Metcalfe AO

Enc.

Amended submission

Amended submission (track)



Australian Government
**Department of Agriculture,
Water and the Environment**

**ANDREW METCALFE AO
SECRETARY**

Ref: DAWE 06/20

Committee Secretary
Senate Scrutiny of Delegated Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Senate Inquiry into the Exemption of delegated legislation from parliamentary oversight

Thank you for your invitation to make a submission to the 'Inquiry into the Exemption of delegated legislation from parliamentary oversight' (Inquiry).

I note that the Inquiry's terms of reference seek to inquire and report on:

1. the appropriateness and adequacy of the existing framework for exempting delegated legislation from parliamentary oversight; and
2. whether the existing framework for exempting delegated legislation from parliamentary oversight should be amended, and, if so, how?

The Department of Agriculture, Water and the Environment (department) has responsibility for over 630 legislative instruments which provide the underpinning for much of the department's work. This covers diverse areas of national and international importance including managing biosecurity risk, maintaining and protecting our natural environment, including the Murray-Darling Basin (in coordination with the states and territories), ensuring the sustainable use of our natural resources and providing assistance during times of natural disasters or emergencies (including prolonged drought).

The department is responsible for a number of legislative instruments that are exempt from disallowance. Section 44 of the Legislation Act provides for those instances where legislative instruments are not subject to disallowance (under Section 42) and are set out below.

1. Paragraph 44(2)(b) of the Legislation Act provides that section 42 (disallowance) does not apply if:
 - a. the legislative instrument is prescribed by regulation for the purposes of this paragraph.

Such exemptions are provided for under the *Legislation (Exemptions and Other Matters) Regulation 2015* (LEOMR). The department has a number of instruments that are prescribed under LEOMR, including:

- a. an instrument made under section 303CA, 344 or 350 of the Environment Protection and Biodiversity Conservation Act 1999; and

- b. a Proclamation made under section 31 of the *Great Barrier Reef Marine Park Act 1975*.

The Attorney-General's Department (AGD) is responsible for administering the Legislation Act and LEOMR and I understand that AGD will be making a submission to the Committee setting out the principles that support the exemptions to disallowance under the Legislation Act. LEOMR is subject to tabling and disallowance under Chapter 3, Part 2 of the Legislation Act.

2. Subsection 44 (1) of the Legislation Act provides that section 42 (disallowance) does not apply when the enabling legislation for the instrument:
- facilitates the establishment or operation of an intergovernmental body or scheme involving the Commonwealth and one or more States or Territories; and
 - authorises the instrument to be made by the body or for the purposes of the body or scheme,
- unless the instrument is a regulation, or the enabling legislation or some other Act has the effect that the instrument is disallowable.

Some legislative instruments made by or for the purposes of an intergovernmental body (the Protected Zone Joint Authority) or scheme, for the purposes of the *Torres Strait Fisheries Act 1984*, have been specified as exempt from disallowance on the basis that they meet the criteria for exemption under Subsection 44(1).

3. Paragraph 44(2)(a) of the Legislation Act provides that section 42 (disallowance) does not apply if:
- an Act declares, or has the effect, that section 42 does not apply in relation to the instrument or provision.

The department has responsibility for a number of enabling Acts which declare that section 42 (disallowance) does not apply to certain legislative instruments or provisions, these Acts include:

- *Biosecurity Act 2015* (Biosecurity Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- *Water Act 2007* (Water Act)

The *Biosecurity Act 2015*, for example, exempts determinations made under subsection 229(1) which provides that the Director of Biosecurity or the Director of Human Biosecurity may determine that a specified port in Australian territory is a first point of entry for any of the following:

- vessels generally, or a specified class of vessels, that are subject to biosecurity control;
- specified goods, or a specified class of goods:
 - that are subject to biosecurity control;
 - in relation to which an exposed goods order is in force.

It is appropriate that the power to make determinations that involve technical and scientific decisions about the management of biosecurity risk have been delegated to the Director of Biosecurity. This is because political considerations may interfere with what should be a strictly technical and scientific decision making process. Disallowance could potentially frustrate risk management processes and lead to the inadequate management of biosecurity risks, especially if an instrument were to be disallowed and not be able to be remade for six months. As such, these exemptions from disallowance are necessary for the effective operation of the legislative

scheme and would have been subject to Parliamentary scrutiny during debate of the enabling legislation.

Attachment A lists some of the provisions which are captured under paragraph 44(2)(a) for each of the above listed Acts. Primarily, those legislative instruments made under the Biosecurity Act and EPBC Act, which are exempt due to paragraph 44(2)(a) are required as they are made on technical and scientific grounds. As noted above, disallowance could potentially frustrate risk management processes and result in unintended consequences for animal and human health.

The department notes the Committee's specific focus on legislative instruments made in response to the COVID-19 pandemic and advises that the *Great Barrier Reef Marine Park Amendment (Coronavirus Economic Response Package) Regulations 2020* were made on 11 June 2020. These regulations are subject to parliamentary disallowance.

Yours faithfully



Andrew Metcalfe AO

| <u>Title</u> | <u>Exempt provisions</u> | <u>Act title</u> |
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| Biosecurity (Biosecurity Activity Zones) Determination 2016 | s 395(4) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Newcastle Airport and Royal Australian Air Force Base Williamtown) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Townsville Airport and Royal Australian Air Force Base Townsville) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Adelaide Airport) Determination 2019 | s 228 of the Biosecurity Act 2015. | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Alice Springs Airport) Determination 2016 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Avalon Airport) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Brisbane Airport) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Brisbane West Wellcamp Airport) Determination 2020 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Cairns Airport) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Canberra Airport) Determination 2019 | s 228 of the Biosecurity Act 2015. | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Christmas Island International Airport) Determination 2016 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Cocos (Keeling) Islands Airport) Determination 2016 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Darwin Airport and Royal Australian Air Force Base Darwin) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Essendon Airport) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Gold Coast Airport) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Gold Coast Broadwater) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—HMAS Albatross Naval Air Station Nowra) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Hobart Airport) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Horn Island Airport) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Lord Howe Island Port) Determination 2016 | s 234 of the Biosecurity Act 2015. | Biosecurity Act 2015 |

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| Biosecurity (First Point of Entry—Melbourne Tullamarine Airport) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Norfolk Island Airport) Determination 2016 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Perth Airport) Determination 2019 | s 228 of the Biosecurity Act 2015. | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port Hedland Airport) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Albany) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Ardrossan) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Ball Bay, Norfolk Island) Determination 2016 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Bowen (Abbot Point)) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Brisbane) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Broome) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Bunbury) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Bundaberg) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Burnie) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Cairns) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Cascade Bay, Norfolk Island) Determination 2016 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Coffs Harbour) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Dampier) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Darwin) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Devonport) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Eden) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Esperance) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Fremantle) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Geelong) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |

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| Biosecurity (First Point of Entry—Port of Geraldton) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Gladstone) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Hay Point) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Hobart) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Launceston (Bell Bay)) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Lucinda) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Mackay) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Melbourne) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Melville Bay) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Milner Bay) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Mourilyan) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Newcastle) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Alma) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Bonython) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Botany) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Giles) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Hedland) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Kembla) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Kennedy) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Latta) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Lincoln) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Pirie) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Port Walcott) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Portland) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |

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| Biosecurity (First Point of Entry—Port of Sydney Bay (Kingston), Norfolk Island) Determination 2016 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Sydney) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Thevenard) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Townsville) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Wallaroo) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Weipa) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Westernport) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Whyalla) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Wyndham) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Port of Yamba) Determination 2019 | s 234 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Royal Australian Air Force Base Amberley) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Royal Australian Air Force Base Edinburgh) Determination 2019 | s 228 of the Biosecurity Act 2015. | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Royal Australian Air Force Base Learmonth) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Royal Australian Air Force Base Pearce) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Royal Australian Air Force Base Richmond) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Royal Australian Air Force Base Tindal) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (First Point of Entry—Sunshine Coast Airport) Determination 2019 | s 228 of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Movements between Parts of Australian Territory) Declaration 2016 | s 618(7) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016 | s 174(5) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Christmas Island) Determination 2016 | s 174(5) of the Biosecurity Act 2015 | Biosecurity Act 2015 |

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| Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Cocos (Keeling) Islands) Determination 2016 | s 174(5) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Norfolk Island) Determination 2016 | s 174(5) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Torres Strait) Determination 2016 | s 174(5) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Suspended Goods – Uncooked Prawns) Determination 2017 | s 182(6) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Suspended Goods—Cats and Dogs Malaysia) Determination 2020 | s 182(6) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination (No. 2) 2017 | s 182(6) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination (No. 3) 2017 | s 182(6) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination (No. 4) 2017 | s 182(6) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Biosecurity (Suspended Goods—Uncooked Prawns) Amendment (Exceptions) Determination 2017 | s 182(6) of the Biosecurity Act 2015 | Biosecurity Act 2015 |
| Conservation Theme for Prioritising Nominations for Listing Threatened Species, Threatened Ecological Communities and Key Threatening Processes for the Assessment Period Commencing 1 October 2017 | Environment Protection and Biodiversity Conservation Act 1999 s 194D(4) | Environment Protection and Biodiversity Conservation Act 1999 |
| Conservation Theme for Prioritising Nominations for Listing Threatened Species, Threatened Ecological Communities and Key Threatening Processes for the Assessment Period Commencing 1 October 2019 (210) | Environment Protection and Biodiversity Conservation Act 1999 s 194D(4) | Environment Protection and Biodiversity Conservation Act 1999 |
| Conservation theme for prioritising nominations of threatened species, threatened ecological communities and key threatening processes under Section 194D of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (217) | Environment Protection and Biodiversity Conservation Act 1999 s 194D(4) | Environment Protection and Biodiversity Conservation Act 1999 |
| Determination of Assessment Period for Places for Inclusion in the National Heritage List and Commonwealth Heritage List (20/02/2007) | s 324G(3) and 341G(3) of the Environment Protection and Biodiversity Conservation Act 1999 | Environment Protection and Biodiversity Conservation Act 1999 |

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| Environment Protection and Biodiversity Conservation Act 1999 - Conservation Themes for Prioritising Nominations for Listing Threatened Species, Threatened Ecological Communities and Key Threatening Processes for the Assessment Period Commencing 1 October 2012 (06/12/2011) | s 194D(4) of the Environment Protection and Biodiversity Conservation Act 1999 | Environment Protection and Biodiversity Conservation Act 1999 |
| Environment Protection and Biodiversity Conservation Act 1999 - Conservation Themes for Prioritising Nominations for Listing Threatened Species, Threatened Ecological Communities and Key Threatening Processes for the Assessment Period Commencing 1 October 2014 (21/11/2013) (155) | s 194D(4) of the Environment Protection and Biodiversity Conservation Act 1999 | Environment Protection and Biodiversity Conservation Act 1999 |
| Environment Protection and Biodiversity Conservation Act 1999 - Determination of Assessment Period for Items for Inclusion in Subdivision A Lists (20/02/2007) | s 194C(3) of the Environment Protection and Biodiversity Conservation Act 1999 | Environment Protection and Biodiversity Conservation Act 1999 |
| Environment Protection and Biodiversity Conservation Act 1999 - Determination of Heritage Themes for Prioritising Nominations for assessment for the National Heritage List for the Assessment Period commencing 1 July 2013 | s 324H(3) of the Environment Protection and Biodiversity Conservation Act 1999 | Environment Protection and Biodiversity Conservation Act 1999 |
| Murray-Darling Basin Agreement (Schedule D - Adjusting Valley Accounts and State Transfer Accounts) Protocol 2010 | s 18D of the Water Act 2007 | Water Act 2007 |
| Murray-Darling Basin Agreement (Schedule D - Calculating Cap Adjustments) Protocol 2010 | s 18D of the Water Act 2007 | Water Act 2007 |
| Murray-Darling Basin Agreement (Schedule D - Conversion Factors and Exchange Rates) Protocol 2010 | s 18D of the Water Act 2007 | Water Act 2007 |
| Murray-Darling Basin Agreement (Schedule D - Permissible Transfers between Trading Zones) Protocol 2010 | s 18D of the Water Act 2007 | Water Act 2007 |
| Murray-Darling Basin Agreement (Schedule D - Processing Interstate Exchange Rate Transfers) Protocol 2010 | s 18D of the Water Act 2007 | Water Act 2007 |
| Murray-Darling Basin Agreement (Schedule D - Processing Interstate Transfers of Water Allocations) Protocol 2010 | s 18D of the Water Act 2007 | Water Act 2007 |
| Murray-Darling Basin Agreement (Schedule D - Tagging Entitlements for Extraction in another State) Protocol 2010 | s 18D of the Water Act 2007 | Water Act 2007 |

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| Warrego-Paroo-Nebine Water Resource Plan Accreditation Decision 2017 | s 63(7) of the Water Act 2007 | Water Act 2007 |
| Water Act (Condamine-Balonne Water Resource Plan) Accreditation Decision 2019 | para 63(7)(b) of the Water Act 2007 | Water Act 2007 |
| Water Act (Eastern Mount Lofty Ranges Water Resource Plan) Accreditation Decision 2019 | para 63(7)(b) of the Water Act 2007 | Water Act 2007 |
| Water Act (Queensland Border Rivers-Moonie Water Resource Plan) Accreditation Decision 2019 | para 63(7)(b) of the Water Act 2007 | Water Act 2007 |
| Water Act (South Australian Murray Region Water Resource Plan) Accreditation Decision 2019 | para 63(7)(b) of the Water Act 2007 | Water Act 2007 |
| Water Act (South Australian River Murray Water Resource Plan) Accreditation Decision 2019 | para 63(7)(b) of the Water Act 2007 | Water Act 2007 |
| Water Act (Wimmera-Mallee (groundwater) Water Resource Plan) Accreditation Decision 2019 | para 63(7)(b) of the Water Act 2007 | Water Act 2007 |
| Water Act (Wimmera-Mallee (surface water) Water Resource Plan) Accreditation Decision 2019 | para 63(7)(b) of the Water Act 2007 | Water Act 2007 |
| Water Act 2007 - Accreditation of amendment of transitional water resource plan - River Murray Prescribed Watercourse Water Allocation Plan | s 65(7)(b) of the Water Act 2007 | Water Act 2007 |