

**Subordinate legislation tabled
between 11 October 2017 and
24 October 2017**

Report No. 5, 56th Parliament
Transport and Public Works Committee
April 2018

Transport and Public Works Committee

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1. Introduction

1.1 Role of the committee

The Transport and Public Works Committee is a portfolio committee established by the Legislative Assembly of Queensland on 15 February 2018. The committee's primary areas of responsibility are Transport and Main Roads, Housing, Public Works, Digital Technology and Sport.¹

Pursuant to section 93(1) of the *Parliament of Queensland Act 2001*, the committee is responsible for examining each item of subordinate legislation within its portfolio areas and considering:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles (FLPs) to the legislation, and
- the lawfulness of the subordinate legislation.

Section 93(2)(a) of the *Parliament of Queensland Act 2001* confers responsibility on the committee to monitor the content of explanatory notes in its portfolio areas to ensure they comply with part 4 of the *Legislative Standards Act 1992*.

1.2 Aim of this report

This report advises on subordinate legislation examined and, where applicable, presents any concerns the committee has identified in respect of subordinate legislation tabled between 11 October 2017 and 24 October 2017.

1.3 Subordinate legislation examined

SL No	Subordinate Legislation	Tabled Date	Disallowance Date
216	Public Records (Queensland Rail Train Crewing Practices Commission of Inquiry) Amendment Regulation 2017	24 October 2017	3 May 2018
217	Transport and Other Legislation (Personalised Transport Forum) Amendment Regulation (No. 2) 2017	24 October 2017	3 May 2018

2. Subordinate legislation examined

2.1 Public Records (Queensland Rail Train Crewing Practices Commission of Inquiry) Amendment Regulation 2017 (SL 216)

The objective of the Regulation is to prescribe a relevant and responsible public authority under section 8(3)(b) and section 15(d) of the *Public Records Act 2002* for the former public authority.

Committee comment

The committee is satisfied the Public Records (Queensland Rail Train Crewing Practices Commission of Inquiry) Amendment Regulation 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

The committee notes that, although a reason for not conducting consultation as required by s.24(2)(b) of the *Legislative Standards Act 1992* was not provided, the nature of the amendments arguably means consultation was not warranted. The explanatory notes tabled with the amending Regulation otherwise comply with part 4 of the *Legislative Standards Act 1992*.

¹ Schedule 6 – Portfolio Committees, *Standing Rules and Orders of the Legislative Assembly* as amended on 15 Feb 2018.

2.2 Heavy Vehicle National Law and Other Legislation Amendment (Postponement) Regulation 2017 (SL 217)

The *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* (the Act) was assented to on 9 December 2016. Chapter 4 (Amendment of Transport Operations (Passenger Transport) Act 1994) commenced on this date and Chapter 3 (Maintenance amendments) was proclaimed on 1 July 2017. Chapter 2 (Responsibility amendments) and Chapter 3 (Maintenance amendments) will commence on a day to be fixed by proclamation.

Provisions within Chapter 2 of the Act are the first component of chain of responsibility (CoR) reforms to the *Heavy Vehicle National Law Act 2012* (HVNL). In November 2015, the Transport and Infrastructure Council approved detailed policy recommendations and a three-phased approach to reform HVNL CoR and executive officer liability provisions.

The first phase of amendments reformulated existing HVNL obligations on all current CoR parties as a positive due diligence obligation to ensure chain parties comply with their primary duty of care. These amendments are contained within Chapter 2 of the Amendment Act 2016.

The objective of the Heavy Vehicle National Law and Other Legislation Amendment (Postponement) Regulation 2017 (the Regulation) will be achieved by postponing the automatic commencement of Chapter 2 of the Act 2016 to enable commencement by proclamation of all three phases of CoR reforms later in 2018.

Committee comment

The committee is satisfied the Heavy Vehicle National Law and Other Legislation Amendment (Postponement) Regulation 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness. The committee notes that the explanatory notes tabled with the amending Regulation comply with part 4 of the *Legislative Standards Act 1992*.

3. Summary of examination and recommendation

The committee did not identify any significant issues relating to the policy to be given effect by the legislation, the application of fundamental legislative principles or the lawfulness of the subordinate legislation examined. All explanatory notes tabled with the subordinate legislation comply with Part 4 of the *Legislative Standards Act 1992*.

Recommendation

The Transport and Public Works Committee recommends that the Legislative Assembly notes the contents of this report.



Mr Shane King MP
Chair