

# **Subordinate legislation tabled between 9 August 2017 and 10 October 2017**

**Report No. 2, 56<sup>th</sup> Parliament**  
**Transport and Public Works Committee**  
March 2018

# Transport and Public Works Committee

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<b>Deputy Chair</b>	Mr Ted Sorensen MP, Member for Hervey Bay
<b>Members</b>	Mr Colin Boyce MP, Member for Callide
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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.<sup>1</sup>

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 9 August 2017 and 10 October 2017.

### 1.3 Subordinate legislation examined

SL No	Subordinate Legislation	Tabled Date	Disallowance Date
142	Proclamation commencing certain provisions - <i>Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017</i>	22 August 2017	15 February 2018
143	Transport and Other Legislation (Personalised Transport Forum) Amendment Regulation (No. 2) 2017	22 August 2017	15 February 2018
145	Transport Infrastructure (Rail) Regulation 2017	22 August 2017	15 February 2018
160	Transport Planning and Coordination Regulation 2017	5 September 2017	8 March 2018
169	Transport Infrastructure (State-controlled Roads) Regulation 2017	5 September 2017	8 March 2018
170	Transport and Other Legislation Amendment Regulation (No. 1) 2017	5 September 2017	8 March 2018
171	Transport Operations (Marine Safety – Queensland Regulated Ships Miscellaneous Equipment) Standard 2017	5 September 2017	8 March 2018
172	Housing (Freeholding of Land) Regulation 2017	5 September 2017	8 March 2018

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

SL No	Subordinate Legislation	Tabled Date	Disallowance Date
175	Transport Operations (Road Use Management – Vehicle Standards and Safety) (Certificate of Inspection Fees) Amendment Regulation 2017	5 September 2017	8 March 2018
181	Manufactured Homes (Residential Parks) Regulation 2017	10 October 2017	22 March 2018
190	Transport Operations (Passenger Transport) (Gold Coast Light Rail) Amendment Regulation 2017	10 October 2017	22 March 2018

## 2. Subordinate legislation examined

### 2.1 Proclamation made under the *Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017* (SL 142)

The objective of the Proclamation is to fix various commencement dates for some provisions of the *Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017*.

#### Committee comment

The committee, having only been appointed on 15 February 2018, was unable to report prior to the disallowance date for this subordinate legislation.

The committee is satisfied the Proclamation made under the *Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017* does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

### 2.2 Transport and Other Legislation (Personalised Transport Forum) Amendment Regulation (No. 2) 2017 (SL 143)

The objective of the Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation (No. 2) 2017 (Amending Regulation) is to implement most of the remaining reforms of the *Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017* (Amendment Act), which introduce a new regulatory framework for personalised transport in Queensland.

These reforms include introducing:

- the new booked hire service licence and booking entity authorisation frameworks for the provision of booked hire services, and
- the new industry chain of responsibility.

In regard to the commencement date, most reforms commenced on 1 October 2017, including the new booked hire service licence and booking entity authorisation frameworks.<sup>2</sup>

#### 2.2.1 Potential FLP issue: immediate suspension of licence

In regard to section 4(2)(a) of the *Legislative Standards Act 1992*, rights and liberties of individuals – whether rights dependent on administrative power are subject to appropriate review, the Regulation raises a potential FLP issue relating to immediate suspension of licence.

<sup>2</sup> Explanatory notes, Transport and Other Legislation (Personalised Transport Forum) Amendment Regulation (No. 2) 2017, p 2.

Section 51 of the Amending Regulation replaces parts 7 and 7A of the Transport Operations (Passenger Transport) Regulation 2005 (Regulation). New part 7 provides for 'Licences and authorisation for personalised transport services' and includes section 111, which empowers the chief executive to immediately suspend a person's licence by giving notice to the person. The section applies to a booked hire service licence, a limousine licence and a taxi service licence.

The suspension notice must set out reasons and may be given when the chief executive is satisfied the licensed motor vehicle does not comply with the vehicle requirements of the licence or where it is necessary in the public interest.

New section 117DN of the Regulation includes a similar provision, empowering the chief executive to immediately suspend a person's booking entity authorisation, by giving notice to the person.

The suspension notice must set out reasons and may be given when a chief executive is satisfied:

- of certain matters relating to foreign persons
- of certain matters relating to various persons (in circumstances where such persons have taken steps to avoid detection of, or prosecution for, certain offences), or
- it is necessary in the public interest.

Under both the new sections, the licence or booking entity authorisation may be suspended until the earlier of – 56 days after the suspension notice is given or the chief executive giving the person a regulation notice. A regulation notice includes a decision on the matter, reasons for the decision, and an information notice setting out review rights.

The immediate suspension is not subject to review or appeal. In this regard, the explanatory notes state:

*As noted in the explanatory notes to the Amendment Act, immediate suspension is designed to ensure inappropriate conduct ceases immediately. Any review or appeal process has the potential to delay the operation of the suspension and thereby allow the party to continue operating – effectively undermining the intent of the provision.<sup>3</sup>*

According to the explanatory notes, any negative consequence for a licence or authority holder is mitigated, as an immediate suspension is only a temporary state:

*If the chief executive decides the licence or authority should be suspended beyond the timeframes or that it should be cancelled, the chief executive will, through the regulation provisions trigger the usual show cause processes. These provisions allow the licensee or authority holder to respond to any allegations, and if the licensee or authority holder does not agree with the final decision on a show cause action, they will be able to appeal to the Queensland Civil and Administrative Tribunal...<sup>4</sup>*

#### Comment

Given that the new provisions—

- a) empower a chief executive to act to suspend immediately in circumstances which warrant urgent action, whilst extending affected licensees and authority holders a right to pursue a review of any subsequent unfavourable decision
- b) further protect licensees and authority holders from unnecessary protraction of the process by providing that, where a chief executive has not made a decision regarding the initial suspension, the suspension notice will expire at the end of 56 days

—the Committee considers the potential FLP breach is warranted in the circumstances.

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<sup>3</sup> Explanatory notes, Transport and Other Legislation (Personalised Transport Forum) Amendment Regulation (No. 2) 2017, p 5.

<sup>4</sup> Explanatory notes, Transport and Other Legislation (Personalised Transport Forum) Amendment Regulation (No. 2) 2017, p 5.

### 2.2.2 Potential FLP issue: privacy of personal information

In regard to section 4(2)(a) of the *Legislative Standards Act 1992*, rights and liberties of individuals – reasonable and fair treatment of individuals, the Regulation raises a potential FLP issue relating to privacy of personal information.

New section 117DR of the Regulation applies if a relevant person for an authorised booking entity is charged with a disqualifying offence (or becomes aware another relevant person has been so charged).

The relevant person must immediately give the chief executive a written notice stating the details of the charge and when it will be heard, and written notice about the outcome.

Reasonableness and fairness of treatment of individuals is relevant to deciding whether legislation has sufficient regard to rights and liberties of individuals. This includes the reasonable and fair treatment of an individual's personal information and regard for a person's right to privacy.

The new section requires the provision of sensitive personal information relating to a person's role as an authorised booking entity to the chief executive. The information may be used by the chief executive to amend, suspend or cancel the authorisation in accordance with new section 117DL of the Regulation.

In regards to this potential FLP issue, the explanatory notes advise:

*The release of private information about a driver by a booking entity or operator is justified on the grounds of passenger and public safety including, in particular, the safety of children or other vulnerable members of the community. Without this requirement, serious incidents involving drivers may otherwise remain unreported. Further, the notification requirement applies only to serious misconduct as outlined in the regulation – that is, where the driver is believed to have committed a driver disqualifying offence, has not provided a public passenger service safely, has committed an offence against relevant transport legislation relating to using a motor vehicle, or has been a threat to the safety of any person in any way. It is not intended that this provision would involve the notification of allegations of misconduct that is not related to safety.<sup>5</sup>*

#### Comment

Although the provision of such personal information may be detrimental to a person's ability to retain an authorisation, the committee considers it is justified on the basis that a disqualification offence is a serious offence and an offender may not be considered an appropriate person to hold an authorisation.

### 2.2.3 Potential FLP issue: penalties

In regard to section 4(2)(a) of the *Legislative Standards Act 1992*, the Regulation raises a potential FLP issue relating to penalties.

The Amending Regulation amends the Regulation to amend or insert various penalties, 13 of which provide a maximum penalty of 40 penalty units and three of which provide for a maximum penalty of 80 penalty units. Section 155 of the *Transport Operations (Passenger Transport) Act 1994* provides that a regulation may prescribe offences and fix a maximum penalty of not more than 80 penalty units for the contravention.

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<sup>5</sup> Explanatory notes, Transport and Other Legislation (Personalised Transport Forum) Amendment Regulation (No. 2) 2017, p 4.

In Alert Digest No. 4 of 1996, the former Scrutiny of Legislation Committee (SLC) adopted a formal policy (Policy No. 2 of 1996) which accepted that legislative power to create offences and prescribe penalties may be delegated in limited circumstances provided certain safeguards were observed. This included the SLC's view that maximum penalties in regulations should be limited, generally, to 20 penalty units. The Office of the Queensland Parliamentary Counsel Notebook advises: *The principal means of creating offences should always be through Acts of Parliament rather than delegated legislation.*<sup>6</sup>

#### Comment

The committee notes that the Regulation prescribes 16 penalties that are higher than the 20 penalty unit cap recommended by the former SLC. However, given the authorising Act allows for the Regulation to prescribe up to 80 penalty units, and the Act was considered and passed by Parliament, the committee considers the potential FLP breach is justified in the circumstances.

#### **Committee comment**

The committee, having only been appointed on 15 February 2018, was unable to report prior to the disallowance date for this subordinate legislation.

The committee is satisfied the Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation (No. 2) 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

### **2.3 Transport Infrastructure (Rail) Regulation 2017 (SL 145)**

The Transport Infrastructure (Rail) Regulation 2006 (2006 Regulation) expired on 1 September 2017. The explanatory notes state that a review of the 2006 Regulation was conducted and confirmed the need for continued regulation of matters contained within it.<sup>7</sup> Accordingly, the 2006 Regulation was remade largely as it was prior to 1 September 2017.

The key policy objective for the Transport Infrastructure (Rail) Regulation 2017 (the Regulation) is to ensure the safety and amenity of passengers and the efficient and effective operation of Queensland's railways and rolling stock, by providing for the continued regulation of:

- the general and other obligations of persons on railways or rolling stock
- access to railway crossings and tracks
- the removal and disposal of particular property
- the use of vehicles on a railway
- other miscellaneous matters (for example, signage).

The Regulation has also been drafted to reflect modern contemporary drafting practices, including minor technical amendments to improve clarity and consistency.

#### **2.3.1 Potential FLP issue: penalties**

In regard to section 4(2)(a) of the *Legislative Standards Act 1992*, the Regulation raises a potential FLP issue relating to penalties.

Section 490 of the *Transport Infrastructure Act 1994* allows for a regulation to prescribe up to 40 penalty units. The committee notes that the Regulation is within these limits, prescribing up to 40 penalty units.

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<sup>6</sup> Office of the Queensland Parliamentary Counsel, Fundamental Legislative Principles: *The OQPC Notebook*, pp 150-151.

<sup>7</sup> Explanatory notes, Transport Infrastructure (Rail) Regulation 2017, p 2.

In Alert Digest No. 4 of 1996, the former Scrutiny of Legislation Committee (SLC) adopted a formal policy (Policy No. 2 of 1996) on the question of delegation of legislative power to create offences and prescribe penalties. The SLC accepted that legislative power to create offences and prescribe penalties may be delegated in limited circumstances provided certain safeguards were observed. This included that maximum penalties in regulations should be limited, generally, to 20 penalty units.<sup>8</sup>

#### **Committee comment**

The committee, having only been appointed on 15 February 2018, was unable to report prior to the disallowance date for this subordinate legislation.

The committee notes that the penalties imposed by the Regulation, while higher than the 20 penalty unit cap recommended by the former SLC, are within the limit authorised under the Act. Given the authorising Act allows for the Regulation to prescribe up to 40 penalty units, and the Act was considered and passed by Parliament, the committee considers the potential FLP breach is justified in the circumstances.

For this reason, the committee is satisfied the Transport Infrastructure (Rail) Regulation 2006 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

### **2.4 Transport Planning and Coordination Regulation 2017 (SL 160)**

The objectives of the Transport Planning and Coordination Regulation 2017 are to prescribe various machinery matters and to replace the Transport Planning and Coordination Regulation 2005 which expired on 31 August 2017.

#### **Committee comment**

The committee is satisfied the Transport Planning and Coordination Regulation 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

### **2.5 Transport Infrastructure (State-controlled Roads) Regulation 2017 (SL 169)**

The Transport Infrastructure (State-controlled Roads) Regulation 2006 (2006 Regulation), previously granted a 1-year exemption from expiry, expired on 1 September 2017.

A review of the 2006 Regulation has confirmed the need for continued regulation. Accordingly, the 2006 Regulation will be remade largely in the Transport Infrastructure (State-controlled Roads) Regulation 2017 (Regulation).

The Regulation provides for the continued regulation of the matters below, which are consistent with the objectives of the *Transport Infrastructure Act 1994*:

- regulating traffic and animals on a motorway or State-controlled road
- regulating camping on or near a State-controlled road
- prescribing a list of matters the chief executive can seek from the owner of a public utility plant on a State-controlled road
- declaring ancillary works and encroachments and setting out the application process for approval, and
- providing for the chief executive's power for carrying out road works on a State-controlled road or proposed State-controlled road.

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<sup>8</sup> The OQPC Notebook states: *The principal means of creating offences should always be through Acts of Parliament rather than delegated legislation.* Office of the Queensland Parliamentary Counsel, Fundamental Legislative Principles: *The OQPC Notebook*, pp 150-151.



### Committee comment

The committee is satisfied the Transport Infrastructure (State-controlled Roads) Regulation 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

## 2.6 Transport and Other Legislation Amendment Regulation (No. 1) 2017 (SL 170)

The policy objective of the Transport and Other Legislation Amendment Regulation (No. 1) 2017 (Regulation) is to enhance the operation of transport legislation by:

- reducing the fine for individuals who fail to display or produce a safety certificate when selling a vehicle
- making minor amendments to clarify the lifejacket requirements for Queensland regulated ships that are tenders
- allowing people (primarily volunteers) who have been assessed as competent to direct traffic in limited circumstances to support community events
- exempting Queensland government entities, such as the Gold Coast 2018 Commonwealth Games Corporation (GOLDOC), from the requirement to pay a fee for traffic history and driver licence checks
- allowing the application fee for an exemption from the young driver logbook requirements to be waived in limited circumstances, and
- adopting the 'Australian Light Vehicle Standards Rules 1st Amendment Package'.

### 2.6.1 Potential FLP issue – privacy of personal information

In regard to section 4(2)(a) of the *Legislative Standards Act 1992*, rights and liberties of individuals – whether the legislation is reasonable and fair, the Regulation raises a potential FLP issue relating to the exemption of payment of fees.

Section 12 of the Regulation amends section 160 'Exemption from payment of particular fees' of the Transport Operations (Road Use Management—Driver Licensing) Regulation 2010 to exempt any Queensland government entity, including government corporations such as GOLDOC, from paying driver licence and traffic history search fees.

According to the explanatory notes:

*In preparation for the Commonwealth Games on the Gold Coast in 2018, GOLDOC is in the process of recruiting volunteers. For volunteers who may be driving as part of their role, for example, by transporting athletes and officials to various events, GOLDOC is requiring traffic history checks. Information about a person's driver licence and traffic history may currently be obtained by applying to the chief executive and paying the prescribed fee (\$22.45).<sup>9</sup>*

The granting of the exemption is to recognise the benefits the Commonwealth Games will bring to Queensland and to assist smooth preparations.<sup>10</sup>

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<sup>9</sup> Explanatory notes, Transport and Other Legislation Amendment Regulation (No. 1) 2017, p 3.

<sup>10</sup> Explanatory notes, Transport and Other Legislation Amendment Regulation (No. 1) 2017, p 3.

More broadly:

*The amendment will streamline processes where a traffic history check is needed as part of normal Queensland Government business, or in relation to future events like the Commonwealth Games.*<sup>11</sup>

Reasonableness and fairness of treatment of individuals is relevant in deciding whether legislation has sufficient regard to the rights and liberties of individuals. This includes the reasonable and fair treatment of individual's personal information and regard for a person's right to privacy.

Information about a person's driver licence and traffic history may currently be obtained by applying to the chief executive and paying the prescribed fee. Section 77(1)(a) of the *Transport Operations (Road Use Management) Act 1995 (Act)* provides that, on receiving an application, the chief executive may release information about a person's prescribed authority or traffic history to the person or, with the person's written consent, to another person. Chapter 5B of the Act sets out the requirements about the application.

This process requires a person seeking another person's private information to make an application to the chief executive, obtain the other person's consent and pay the prescribed fee. The process provides protection for individuals, so as to ensure that private information cannot be released without due process. The Regulation does not alter the process, but merely exempts the payment of search fees. It does not remove the requirement to make an application and obtain the person's consent.

#### **Committee comment**

Given that the process to make an application and obtain the person's consent prior to obtain a person's private information remains unchanged, the committee considers that the search fee exemption does not impact on a person's privacy and is justified in order to assist the efficiency of the administrative process.

The committee therefore is satisfied the Transport and Other Legislation Amendment Regulation (No. 1) 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

## **2.7 Transport Operations (Marine Safety – Queensland Regulated Ships Miscellaneous Equipment) Standard 2017 (SL 171)**

The primary policy objective of the Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2017 (the Standard) is to help people understand the general safety obligation, and to help people adopt appropriate safety measures for Queensland regulated ships.

The Standard replaces the Transport Operations (Marine Safety— Queensland Regulated Ships Miscellaneous Equipment) Standard 2006, which expired on 31 August 2017. The Standard includes only minor changes.

#### **Committee comment**

The committee is satisfied the Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

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<sup>11</sup> Explanatory notes, Transport and Other Legislation Amendment Regulation (No. 1) 2017, p 3.

## **2.8 Housing (Freeholding of Land) Regulation 2017 (SL 172)**

The Housing (Freeholding of Land) Regulation 2006 expired on 31 August 2017. The Housing (Freeholding of Land) Regulation 2017 (Regulation) is to remake the existing regulation to provide for the ongoing administration and conversion of the department's remaining perpetual town leases.

Accordingly, the Regulation prescribes the requirements for working out the declared percentage for establishing the purchase price and conversion cost for a voluntary or automatic conversion of a residential lease to freehold land.

### **Committee comment**

The committee is satisfied the Housing (Freeholding of Land) Regulation 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

## **2.9 Transport Operations (Road Use Management – Vehicle Standards and Safety) (Certificate of Inspection Fees) Amendment Regulation 2017 (SL 175)**

The Transport Operations (Road Use Management—Vehicle Standards and Safety) (Certificate of Inspection Fees) Amendment Regulation 2017 corrects the fee amounts for inspections by an authorised officer and by an approved examiner to include the current Government indexation, being 3.5 per cent – and applied from 1 July 2017. Queensland Treasury requires State Government fees and charges to be indexed annually.

### **Committee comment**

The committee is satisfied the Transport Operations (Road Use Management—Vehicle Standards and Safety) (Certificate of Inspection Fees) Amendment Regulation 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

## **2.10 Manufactured Homes (Residential Parks) Regulation 2017 (SL 181)**

The Manufactured Homes (Residential Parks) Regulation 2003, although expired on 1 September 2017, has continued to be exempt from expiry since that date. It was exempt on the basis that the *Manufactured Homes (Residential Parks) Act 2003* (the Act) was being reviewed. The review of the Act has now occurred.

The Manufactured Homes (Residential Parks) Regulation 2017 (Regulation) will prescribe the prohibited 'special terms' in site agreements to protect home owners from unfair business practices that undermine the objects of the Act. The Regulation will also retain the limit on the commission a park owner can charge a home owner for acting as a selling agent.

### **2.10.1 Potential FLP issue - the right of a landowner to the use and enjoyment of his or her land**

1. Rights and liberties of individuals - section 4(2)(a) Legislative Standards Act 1992 – whether the legislation is reasonable and fair

Residential (manufactured home) parks are a form of community living where residents own their home and enter a site agreement to rent the site their home is sited on in a residential park, from a park owner.

Section 21 of the Act allows 'special terms' to be included in a site agreement. Section 25B of the Act provides for a head of power to prohibit particular types of special terms by regulation.

Section 3 of the Regulation identifies particular types of special terms prohibited in site agreements, such as special terms that calculate site rent increases in a misleading way, require a home owner to pay other charges but does not fully explain the charges or state that site rent will not be reduced if there is a decrease or reduction in the standards, amenity or community facilities or services.

The rights and liberties of individuals may be considered to include traditional common law rights, such as the right of a landowner to the use and enjoyment of his or her land.

Additionally, legislation may be considered in light of the following broad principles:

- restrictions on ordinary activities must be justified
- legislative intervention should be proportionate and relevant in relation to any issue dealt with under the legislation, and
- treatment of all persons affected by legislation should be reasonable and fair.

The Regulation's list of prohibited special terms may be considered to infringe the landowner's right to the use and enjoyment of his or her land. It prevents the parties to a site agreement from freely negotiating the terms of the contractual arrangement and prevents the parties from agreeing to include any of the prohibited terms. This restricts ordinary activities.

The explanatory notes state:

*While there is a need for flexibility to include special terms in site agreements that suit the individual circumstances of the parties and of the residential park, some special terms developed by some park owners are unduly prejudicial to home owners and unnecessary to reasonably protect the park owner's legitimate interests. These types of special terms are inconsistent with, and undermine, the objects of the Act.<sup>12</sup>*

In relation to consistency with fundamental legislative principles, the explanatory notes state:

*The prohibition of particular special terms applying to both new and existing site agreements is considered necessary due to the long-term, inter-generational nature of site agreements. In these circumstances, there is the potential for exploitative and undesirable special terms to continue as part of existing site agreements for many years into the future, affecting not only current home owners, but also people who purchase homes and are assigned a home owner's interest under a site agreement.<sup>13</sup>*

#### **Committee comment**

Given the nature of the prohibited special terms included in the Regulation, the committee considers that the potential infringement of the landowner's traditional common law right to the use and enjoyment of his or her land, that is being free to negotiate the terms of the site agreement, is justified in the circumstances.

The committee also considers that the Regulation is consistent with the objects of the Act which seek to protect potentially vulnerable members of the community, especially in circumstances where there may be a power disparity between elderly residents and operators of residential parks.

In this regard, the committee considers that the provisions in the Regulation are proportionate in relation to the relevant issues and are reasonable and fair.

In summary, the committee is satisfied the Manufactured Homes (Residential Parks) Regulation 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

#### **2.11 Transport Operations (Passenger Transport) (Gold Coast Light Rail) Amendment Regulation 2017 (SL 190)**

Part 10A of the Transport Operations (Passenger Transport) Regulation 2005 (the Regulation) prescribes certain persons who may be appointed as authorised persons for the Gold Coast light rail under the *Transport Operations (Passenger Transport) Act 1994*. These persons are known as Customer Service Officers (CSOs) and are authorised to exercise various revenue protection and other enforcement powers on the Gold Coast light rail network only.

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<sup>12</sup> Explanatory notes, Manufactured Homes (Residential Parks) Regulation 2017, p 2.

<sup>13</sup> Explanatory notes, Manufactured Homes (Residential Parks) Regulation 2017, p 4.

The term 'Gold Coast light rail' is defined by reference to a map set out in Schedule 7A of the Regulation which currently includes Stage 1 of Gold Coast light rail only. Due to the expansion of the Gold Coast light rail network, the current map needs to be omitted and replaced with a new map to cover the areas of Stage 1 and Stage 2 to ensure that once Stage 2 is operational, CSOs are able to exercise their powers over the expanded network.

The objective of the Regulation is to ensure that revenue protection and other enforcement powers can be exercised by authorised persons on the extended section of the Gold Coast light rail system.

**Committee comment**


The committee is satisfied the Transport Operations (Passenger Transport) (Gold Coast Light Rail) Amendment Regulation 2017 does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

### **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**