

Education, Employment and Small Business Committee

Report No. 36, 56th Parliament

Subordinate legislation tabled between 23 April 2020 and 16 June 2020

1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 23 April 2020 and 16 June 2020. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992*.¹

The report identifies any issues identified by the committee in its consideration of the human rights certificate tabled with the subordinate legislation.²

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
88	Workers' Compensation and Rehabilitation (QOTE) Notice 2020	16 June 2020	3 December 2020

*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

3 Committee consideration of the subordinate legislation

No significant issues regarding policy, consistency with fundamental legislative principles or the lawfulness of the subordinate legislation were identified. The committee considers explanatory notes tabled with the subordinate legislation comply with the requirements of s 24 of the *Legislative Standards Act 1992*.

The committee considers that SL No. 88 raises no human rights issues. The human rights certificate tabled with the subordinate legislation provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.³

¹ *Legislative Standards Act 1992*, Part 4.

² *Human Rights Act 2019*, s 41.

³ *Human Rights Act 2019*, s 41.

4 Workers' Compensation and Rehabilitation (QOTE) Notice 2020

The purpose of the Workers' Compensation and Rehabilitation (QOTE) Notice 2020 is to notify the amount of Queensland Ordinary Time Earnings (QOTE) for 2020-21 and the percentage difference in QOTE compared to QOTE for the previous financial year.⁴

Compensation entitlements of injured workers and dependants of deceased workers under the *Workers' Compensation and Rehabilitation Act 2003* (the Act) are subject to indexation in accordance with increases in QOTE, to ensure the relative value of those amounts over time.⁵

Under section 10A of the Act, the Workers' Compensation Regulator must, before the start of a financial year, notify the QOTE figure for the financial year and the percentage difference in QOTE for the financial year compared to QOTE for the previous financial year. Such a notice is subordinate legislation.

QOTE for 2019-20 was \$1,574.00. According to the latest Australian Statistician's report released on 20 February 2020, QOTE will increase to \$1,609.30 in 2020-21, an increase of 2.24 per cent.

4.1 Explanatory notes

The explanatory notes comply with part 4 of the *Legislative Standards Act 1992*.

4.2 Human rights considerations

Section 8 of the *Human Rights Act 2019* (HRA) provides that a statutory provision is compatible with human rights if it does not limit a human right, or limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with s 13 of that Act.

Section 13 of the HRA provides that a human right may be subject to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom. Section 13 sets out a range of factors that may be relevant in deciding whether a limit on a human right is reasonable and justifiable.

In the human rights certificate accompanying the subordinate legislation, the Minister states 'The *Workers' Compensation and Rehabilitation (QOTE) Notice 2020* does not affect or engage a human right'.⁶

The committee considers that the subordinate legislation raises no human rights issues.

4.3 Human rights certificate

Section 41 of the HRA requires that the responsible Minister for the subordinate legislation must prepare a human rights certificate for the legislation.

A human rights certificate was tabled with the subordinate legislation. The certificate contained a sufficient level of information to facilitate understanding of the legislation in relation to its compatibility with human rights.

⁴ Explanatory notes, p 1.

⁵ *Workers' Compensation and Rehabilitation Act 2003*, s 10A(2).

⁶ Human rights certificate, p 1.

5 Recommendation

The committee recommends that the House notes this report.



Leanne Linard MP

Chair

September 2020

Education, Employment and Small Business Committee

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