

Education, Employment and Training Committee

Report No. 1, 57th Parliament

Subordinate legislation tabled on 14 July 2020

1 Aim of this report

This report summarises the Education, Employment and Training Committee's findings following its examination of the subordinate legislation within its portfolio areas tabled on 14 July 2020. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, its consistency with fundamental legislative principles (FLPs),¹ its compatibility with human rights,² and its lawfulness.³ It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA),⁴ and the compliance of the human rights certificate with the *Human Rights Act 2019* (HRA).⁵

2 Subordinate legislation examined

The committee examined the subordinate legislation listed in the table below.

No.	Subordinate legislation	Date tabled	Disallowance date*
121	Racing Integrity (Fees) Amendment Regulation	14 July 2020	3 December 2020

* Disallowance dates are based on proposed sitting dates as advised by the Leader of the House, and may be subject to change. (Section 50 of the *Statutory Instruments Act 1992* specifies that the deadline for a notice of disallowance motion is 14 sitting days after the legislation is tabled in the Legislative Assembly.)

3 Committee consideration of the subordinate legislation

No significant issues were identified by the committee regarding the policy, consistency with FLPs, compatibility with human rights, or lawfulness of the subordinate legislation.

¹ Section 4 of the *Legislative Standards Act 1992* (LSA) states that FLPs are the 'principles relating to legislation that underlie a parliamentary democracy based on the rule of law'. The principles include that legislation has sufficient regard to: a) the rights and liberties of individuals, and b) the institution of Parliament.

² 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 the HRA. 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 determining whether a limit on a human right is reasonable and justifiable.

³ *Parliament of Queensland Act 2001*, s 93.

⁴ LSA, part 4. Section 24 sets out the information that must be included in the explanatory note for subordinate legislation which is required to be tabled in the Legislative Assembly with the subordinate legislation (LSA, s 22).

⁵ Section 41(4) of the HRA provides that the portfolio committee responsible for examining subordinate legislation may, in examining the legislation, also consider the human rights certificate prepared by the responsible Minister for the subordinate legislation. The human rights certificate, which must be tabled in the Legislative Assembly with the subordinate legislation, must state: a) whether, in the responsible Minister's opinion, the subordinate legislation is compatible with human rights, and if so, how it is compatible; and b) if, in the responsible Minister's opinion, a part of the subordinate legislation is not compatible with human rights, the nature and extent of the incompatibility (see HRA, s 41(1)-(3)).

The committee considers the explanatory notes tabled with the subordinate legislation comply with the requirements of part 4 of the LSA. Further, 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 the HRA.

4 SL No. 121 of 2020 – Racing Integrity (Fees) Amendment Regulation 2020

The objective of the *Racing Integrity (Fees) Amendment Regulation 2020* (SL No. 121 of 2020) is to increase the fees in the Racing Integrity Regulation 2016 in line with the government policy on the indexation of fees and charges.⁶

All fee increases are within the 1.8% government indexation rate for 2020-21.

4.1 Legislative Standards Act 1992 considerations

The committee identified no issues regarding the subordinate legislation's consistency with FLPs or its lawfulness.

The explanatory notes comply with part 4 of the LSA.

4.2 Human Rights Act 2019 considerations

The committee identified no issues regarding the compatibility of the subordinate legislation with the HRA.

The committee considers the human rights certificate tabled with SL No. 121 of 2020 contains a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 Recommendation

The committee recommends that the Legislative Assembly notes this report.



Kim Richards MP
Chair

December 2020

Education, Employment and Training Committee

Chair	Ms Kim Richards MP, Member for Redlands, Chair
Deputy Chair	Mr James Lister MP, Member for Southern Downs
Members	Mr Mark Boothman MP, Member for Theodore
	Mr Nick Dametto MP, Member for Hinchinbrook
	Mr Barry O'Rourke MP, Member for Rockhampton
	Mr Jimmy Sullivan MP, Member for Stafford

⁶ Racing Integrity (Fees) Amendment Regulation 2020 (SL No. 121 of 2020), explanatory notes, p 1.