

Transport and Resources Committee

Report No. 7, 57th Parliament

Subordinate legislation tabled between 24 February 2021 and 15 June 2021

1 Aim of this report

This report summarises the Transport and Resources Committee's (committee) findings following its examination of the subordinate legislation within its portfolio areas tabled between 24 February 2021 and 15 June 2021. 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[s] tabled with the subordinate legislation.²

2 Subordinate legislation examined

No. of 2021	Subordinate legislation	Date tabled	Disallowance date*
23	Transport Legislation Amendment Regulation 2021	20 April 2021	1 September 2021
37	Queensland Building and Construction Commission and Other Legislation Amendment Regulation 2021	11 May 2021	15 September 2021
44	Transport Legislation (Fees) Amendment Regulation 2021	15 June 2021	27 October 2021
48	Resources Legislation (Fees) Amendment Regulation 2021	15 June 2021	27 October 2021

*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 section 24 of the *Legislative Standards Act 1992*.

¹ *Legislative Standards Act 1992*, Part 4.

² *Human Rights Act 2019*, s 41.

The committee considers that the subordinate legislation raise no human rights issues. The human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.³

4 SL No. 23 of 2021 - Transport Legislation Amendment Regulation 2021

The objectives of the Regulation are to:

- update various transport regulations with amendments that are consequential to the *Commonwealth Road Vehicle Standards Act 2018* so that Queensland legislation continues to align with national law
- remove the requirement in the Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015 for an applicant for an approved inspection station to have the equipment necessary for inspecting vehicles before applying to be an approved inspection station
- prescribe photo identification cards, recreational marine driver licences, personal watercraft licences, and driver licences as relevant authorities (under the *Transport Planning and Coordination Act 1994*) that can be used in an approved digital licence app on a smartphone
- facilitate information being made available electronically about adjustments to registration terms resulting from under or over-payments of vehicle registration under the Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010, and
- remove redundant alcohol ignition interlocks as prescribed approved interlocks from the Transport Operations (Road Use Management – Driver Licensing) Regulation 2010.⁴

4.1 Fundamental legislative principle issues

No issues of fundamental legislative principle were identified.

4.2 Explanatory notes

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

4.3 Human rights considerations

The subordinate legislation is compatible with human rights.

4.4 Human rights certificate

A human rights certificate was tabled with the subordinate legislation, as required by section 41 of the *Human Rights Act 2019* (HRA). It provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 SL No. 37 of 2021 - Queensland Building and Construction Commission and Other Legislation Amendment Regulation 2021

The regulation amends:

- the Building Industry Fairness (Security of Payment) and Other Legislation Amendment Regulation 2020, and
- the Queensland Building and Construction Commission and Other Legislation (Fire Protection Licensing) Amendment Regulation 2020.

³ *Human Rights Act 2019*, s 41.

⁴ Explanatory notes, pp 1-2.

According to the explanatory notes, the amendments are minor technical and consequential amendments to provide for successful implementation of the new fire protection licensing framework which commenced on 1 May 2021.⁵

The explanatory notes state that the amendments do not represent significant policy changes and are necessary to clarify definitions and improve transitional arrangements.⁶ The regulation includes amendments to:

- expand existing exclusions from fire protection work to specifically exclude the certification of battery-operated smoke alarms in a class 1a or 2 building, to clarify a licence is not required for this work
- ensure that mechanical services licensees can continue to undertake work in relation to fire damper assemblies that form part of air-conditioning, air-handling and mechanical ventilation systems without the need for a fire protection licence, and
- simplify the upskilling requirements for existing fire detection and alarm systems contractor licensees who also hold an electric mechanic licence.⁷

Issues of fundamental legislative principle and comment

No issues of fundamental legislative principle were identified.

Explanatory notes comment

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

Human rights comment

The subordinate legislation is compatible with human rights.

Human rights certificate

A human rights certificate was tabled with the subordinate legislation, as required by section 41 of the HRA. It provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

6 SL No. 44 of 2021 - Transport Legislation (Fees) Amendment Regulation 2021

The regulation increases a number of departmental fees and charges for the 2021-22 financial year.

The fees and charges have been increased in accordance with the Government indexation rate of 1.7 per cent, other than the heavy vehicle registration charges, which are subject to an increase of 2.5 per cent (in line with decisions agreed to by the Infrastructure and Transport Ministers Meeting).

6.1 Fundamental legislative principle issues

No issues of fundamental legislative principle were identified.

6.2 Explanatory notes

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

6.3 Human rights considerations

The subordinate legislation is compatible with human rights.

⁵ Explanatory notes, p 1.

⁶ Explanatory notes, p 2.

⁷ Explanatory notes, p 2.

6.4 Human rights certificate

A human rights certificate was tabled with the subordinate legislation, as required by section 41 of the *Human Rights Act 2019* (HRA). It provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

7 SL No. 48 of 2021 - Resources Legislation (Fees) Amendment Regulation 2021

The regulation increases a range of regulatory fees for the Department of Resources, in line with the Government indexation rate of 1.7 per cent. (The regulation also includes minor amendments 'identified by the Office of the Queensland Parliamentary Counsel ... [including]... grammar corrections, consistency of wording across regulations and wording to better reflect the applicable Act.⁸)

All the fees come within the 1.7 per cent increase. (A few minor increases exceed this amount, due to rounding in line with the rounding policy set out in Queensland Treasury's Principles for Fees and Charges.)

7.1 Fundamental legislative principle issues

No issues of fundamental legislative principle were identified.

7.2 Explanatory notes

The explanatory notes comply with part 4 of the *LSA*.

7.3 Human rights considerations

The subordinate legislation is compatible with human rights.

7.4 Human rights certificate

A human rights certificate was tabled with the subordinate legislation, as required by section 41 of the HRA. It provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

8 Recommendation

The committee recommends that the House notes this report.



Shane King MP

Chair

July 2021

Transport and Resources Committee

Chair

Deputy Chair

Members

Mr Shane King MP, Member for Kurwongbah

Mr Lachlan Millar MP, Member for Gregory

Mr Colin Boyce MP, Member for Callide

Ms Jess Pugh MP, Member for Mt Ommaney

Mr Les Walker MP, Member for Mundingburra

Mr Trevor Watts MP, Member for Toowoomba North

⁸ Explanatory notes, p 2.