

Transport and Resources Committee

Report No. 27, 57th Parliament

Subordinate legislation tabled between
31 August 2022 and 12 October 2022

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 31 August 2022 and 12 October 2022. 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 2022	Subordinate legislation	Date tabled	Disallowance date*
120	Vegetation Management (Regional Ecosystems) Amendment Regulation 2022	12 October 2022	21 February 2023
122	Transport and Other Legislation Amendment Regulation (No. 3) 2022	12 October 2022	21 February 2023
124	Land Title Regulation 2022	12 October 2022	21 February 2023
128	Transport Operations (Passenger Transport) Amendment Regulation 2022	12 October 2022	21 February 2023
136	Gold Coast Waterways Authority Regulation 2022	12 October 2022	21 February 2023
139	Petroleum and Gas (Safety) Amendment Regulation 2022	12 October 2022	21 February 2023

* 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 with the following 5 items considered by the committee in this report:

¹ *Legislative Standards Act 1992*, Part 4.

² *Human Rights Act 2019*, s 41.

- Vegetation Management (Regional Ecosystems) Amendment Regulation 2022
- Land Title Regulation 2022
- Transport Operations (Passenger Transport) Amendment Regulation 2022
- Gold Coast Waterways Authority Regulation 2022
- Petroleum and Gas (Safety) Amendment Regulation 2022.

The committee considered a potential fundamental legislative principle issue in regards to the Transport and Other Legislation Amendment Regulation (No. 3) 2022 but was satisfied by the justification provided for this in the explanatory notes.

The committee considers explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the *Legislative Standards Act 1992*.

The committee considered potential human rights issues with the Transport and Other Legislation Amendment Regulation (No. 3) 2022 and the Land Title Regulation 2022, however, was satisfied that any limits to human rights were only to the extent that is reasonable and demonstrably justified in accordance with section 13 of the *Human Rights Act 2019*.

For the remaining 4 items considered, the subordinate legislation raised no human rights issues.

The human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.³

4 SL No. 120 of 2022 - Vegetation Management (Regional Ecosystems) Amendment Regulation 2022

The objective of the Vegetation Management (Regional Ecosystems) Amendment Regulation 2022 (SL No. 120) is to update the regional ecosystems (RE) and corresponding RE classes, which have not been updated since September 2021.⁴

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 (LSA)*.

4.3 Human rights considerations

The committee is satisfied that the subordinate legislation is compatible with human rights.⁵

4.4 Human rights certificate

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 *Human Rights Act 2019*, s 41.

⁴ SL No. 120, Explanatory notes, p 1.

⁵ Section 8 of the *Human Rights Act 2019* (HRA) relevantly provides that a statutory provision is compatible with human rights if the provision does not limit a human right or limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA. Section 13 of the HRA provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

5 SL No. 122 of 2022 - Transport and Other Legislation Amendment Regulation (No. 3) 2022

The objectives of the Transport and Other Legislation Amendment Regulation (No. 3) 2022 (SL No. 122) are to amend:

- the Transport Operations (Road Use Management—Road Rules) Regulation 2009 (Queensland Road Rules) to set requirements for drivers when passing an emergency response vehicle (ERV) parked on the road displaying a flashing blue, red magenta or yellow warning light (not including direction indicators or hazard lights)
- the Queensland Road Rules to increase the maximum allowable speed that a B-triple can travel at from 90km/h to 100km/h to improve efficiency of the road network
- the Transport Operations (Marine Safety) Regulation 2016 to change a coordinate that sets the boundaries of the Townsville compulsory pilotage area to provide clear and accurate boundaries.⁶

As regards the first amendment to the Queensland Road Rules mentioned above, SL No. 122 creates two new offences prohibiting a driver (other than a bicycle rider):

- on a multi-lane road—driving past a parked ERV displaying flashing lights, unless the driver can pass the ERV with a clear lane between the driver's vehicle and the ERV⁷
- on a road that is not a multi-lane road—driving past a parked ERV displaying a flashing light, unless the person can pass with a sufficient distance between their vehicle and the ERV, any associated parked vehicle and any associated person to avoid a collision, and drive at a speed that does not put at risk the safety of any associated person.⁸

Each offence attracts a maximum penalty of 30 penalty units (currently, equal to \$4312), or an infringement notice of 3 penalty units (currently, equal to \$431) under the State Penalties Enforcement Regulation 2014.⁹

In addition, SL No. 122 amends the Transport Operations (Road Use Management—Driver Licensing) Regulation 2021 to enable 3 demerit points to be recorded on the person's traffic history.¹⁰

5.1 Fundamental legislative principle issues

Although the explanatory notes did not identify any issues of fundamental legislative principle, the following issue was identified.

Rights and liberties of individuals—Penalties should be reasonable and proportionate

SL No. 122 creates new offences under section 78A(2) and (4), which impose a maximum penalty of 30 units.

The creation of new offences and penalties affects the rights and liberties of individuals.¹¹ Whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, penalties and other consequences imposed by legislation are proportionate and relevant to the actions to which the consequences relate.¹² A penalty should be proportionate to the offence, with a

⁶ SL No. 122, Explanatory notes, pp 2–3.

⁷ SL No. 122, clause 11, new section 78A(2). SL No. 122, Explanatory notes, p 3.

⁸ SL No. 122, clause 11, new section 78A(4). SL No. 122, Explanatory notes, p 3.

⁹ SL No. 122, clause 11, new section 78A(2); and clause 4.

¹⁰ SL No. 122, Explanatory notes, p 3.

¹¹ *Legislative Standards Act 1992* (LSA), s 4(2)(a).

¹² Office of the Queensland Parliamentary Counsel (OQPC), *Fundamental Legislative Principles: The OQPC Notebook*, p 120

higher penalty for an offence of greater seriousness than for a lesser offence. Penalties within legislation should also be consistent with each other.¹³

Although the explanatory notes are silent as to this fundamental legislative principle, it offers the following general justification for the creation of the offences and their associated infringement notice:

In setting the requirements outlined above for drivers passing parked ERVs displaying flashing warning lights, the [move over, slow down] laws will achieve the objective of improving the safety of emergency service workers.¹⁴

Also, the human rights certificate justifies the offences and the penalty infringement notices in the context of several human rights.¹⁵

Conclusion

The committee is satisfied by the justification provided in the explanatory notes for the offences, having regard to the need to deter unsafe road behaviour that puts the lives of other road users at risk.

5.2 Explanatory notes

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

5.3 Human rights considerations

The committee is satisfied that the subordinate legislation is compatible with human rights because it limits human rights only to the extent that is reasonable and demonstrably justified in accordance with section 13 of the *Human Rights Act 2019*.

The human rights issues raised by SL No. 122 are summarised below.

Right to recognition before the law

The HRA provides that every person is equal before the law and is entitled to equal protection of the law without discrimination.¹⁶ This right places an obligation on public entities to treat people equally and to not apply the law in a discriminatory or arbitrary way.

The human rights certificate acknowledges that this right might be limited by imposing a financial penalty, through a court-imposed fine or a penalty infringement notice. The requirement to pay a fine for such a behaviour may adversely and disproportionately impact sectors of the community such as persons of a lower socio-economic status who may have more difficulty paying a monetary sum.¹⁷

However, the human rights certificate goes on to note:

While the imposition of a financial penalty may have a greater impact upon a person from a lower socio-economic group, it is considered that the importance of maintaining the punishment and deterrent effect of penalties for applicable offences outweighs any potential limitation on the right.¹⁸

¹³ OQPC, *Fundamental Legislative Principles: The OQPC Notebook*, p 120.

¹⁴ SL No. 122, Explanatory notes, p 3.

¹⁵ The offence provisions and associated penalty infringement notices are considered in relation to the right to recognition and equality before the law (s 15 HRA), the right to life (s 16 HRA), property rights (s 24 HRA), right to liberty and security of person (s 29 HRA), fair hearing (s 31 HRA), and rights in criminal proceedings (s 32 HRA).

¹⁶ HRA, s 15.

¹⁷ SL No. 122, human rights certificate, p 3.

¹⁸ SL No. 122, human rights certificate, p 4.

Right to life

The human rights certificate notes that ‘in improving the safety of emergency response workers, the move over, slow down requirements will also promote the right to life.’¹⁹

Right to property

A person must not be arbitrarily deprived of their property.²⁰

The human rights certificate explains that:

While these amendments will see the introduction of two new offences, with financial penalties for non-compliance, it is considered that the penalties are commensurate to the risk of offending and are a proportionate response.²¹

Right to liberty and security of person

A person has the right not to be subjected to arbitrary arrest or detention or to be deprived of their liberty.²²

SL No. 122 may limit the right to liberty and security to the extent that it prescribes financial penalties that may be enforced under the *State Penalty Enforcement Act 1999* (SPE Act). The registrar may issue an arrest and imprisonment warrant to a person for failing to pay an amount stated in an enforcement order, after the person fails to pay a financial penalty. Importantly, however, the Charter, provided for under section 9 of the SPE Act, preferences the use of other enforcement actions for unpaid fines over arrest and imprisonment to reduce the use of imprisonment for fine default.²³

The human rights certificate concludes that:

... the importance of improving the safety of emergency response workers by ensuring there is an efficient system for enforcing compliance with the [move over, slow down] requirements outweighs the potential limit on the right to liberty and security, which in practice is unlikely to occur as a result of enforcement under the SPE Act of unpaid fines.²⁴

Right to a fair hearing and rights in criminal proceedings

A party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.²⁵

The human rights certificate argues that:

Prescribing the offences under section 78A(2) and (4) as penalty infringement notice offences will create a proportionate and effective enforcement response when a driver fails to safely pass a parked ERV displaying a flashing warning light and any other associated vehicle or person.

Prescribing the offences for failing to comply with the [move over, slow down] requirements as penalty infringement notice offences will ensure that there are proportionate and effective enforcement responses where a person fails to comply with the [move over, slow down] requirements.²⁶

¹⁹ SL No. 122, human rights certificate, p 4.

²⁰ HRA, s 24.

²¹ SL No. 122, human rights certificate, p 5.

²² HRA, s 29.

²³ SL No. 122, human rights certificate, p 6.

²⁴ SL No. 122, human rights certificate, p 7.

²⁵ HRA, s 31.

²⁶ SL No. 122, human rights certificate, p 9.

5.4 Human rights certificate

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.

6 SL No. 124 of 2022 - Land Title Regulation 2022

The objective of the Land Title Regulation 2022 (SL No. 124) is to mandate eConveyancing by prescribing the instruments that must be lodged or deposited using an Electronic Lodgement Network (ELN).²⁷ These 'required instruments' are, for example: an instrument for the transfer of a lot, an instrument for the mortgage of a lot, an instrument releasing a mortgage for a lot, a priority notice, or a request to withdraw a priority notice over a lot.²⁸

A required instrument must be lodged or deposited using an ELN if it is an instrument or document that may be lodged electronically under section 7 of the Electronic Conveyancing National Law (Queensland).²⁹

However, a required instrument is exempt from the requirement if:

- the required instrument cannot be prepared, lodged or deposited using an ELN because the ELN does not have the functionality, or circumstances beyond the subscriber's control prevent lodgement or deposit³⁰
- the system used in the land registry does not have the functionality to accept or process the required instrument³¹
- the required instrument must be prepared, lodged or deposited with another instrument or document that cannot be lodged or deposited using an ELN³²
- the required instrument must be prepared lodged or deposited with another instrument and a party to that instrument is not a subscriber³³ and is not represented by an Australian legal practitioner or an incorporated legal practice³⁴

²⁷ Electronic Lodgement Network has the meaning given by the Electronic Conveyancing National Law (Queensland), section 13, see *Land Title Act 1994*, s 199(2).

²⁸ SL No. 124, s 4.

²⁹ SL No. 124, s 5(1). Under section 7 of the E-Conveyancing National Law, a document may be lodged electronically if the document is lodged in a form approved by the registrar and by means of an ELN provided and operated under that Law.

³⁰ SL No. 124, s 5(2)(a)(i) and (ii).

³¹ SL No. 124, s 5(2)(b).

³² SL No. 124, s 5(2)(c)(i).

³³ SL No. 124, s 5(4), defines subscriber by reference section 3 of the Electronic Conveyancing National Law (Queensland), which provides that a subscriber means: a person who is authorised under a participation agreement to use an ELN to complete conveyancing transactions on behalf of another person or on their own behalf.

³⁴ SL No. 124, s 5(2)(c)(ii) and 5(3).

- the required instrument replaces another instrument that has been rejected or withdrawn from lodgement and is part of a transaction for which an associated financial transaction³⁵ has been completed³⁶
- the instrument gives effect to a transaction that is not an ‘ELN lodgement’ or ‘ELN transfer’ within the meaning of section 156D of the *Duties Act 2001*.³⁷

A required instrument executed by a party in hard copy form before commencement (20 February 2023) cannot be lodged or deposited using an ELN.³⁸

6.1 Fundamental legislative principle issues

Rights and liberties of individuals

According to the explanatory notes, section 5(2)(b) of SL No. 124:

... may be perceived to impinge on section 4(3)(b) of the Legislative Standards Act 1992, which requires that legislation is consistent with the principles of natural justice, and the principle that a person is entitled to be told of a decision/reason that affects the person.³⁹

No issues of fundamental legislative principle arise in this instance. The application of the exemption in 5(2)(b) is automated. The explanatory notes state:

Operationally, where the land registry system cannot accept or process the required instrument, the subscriber will receive an automatic message notifying that the required instrument cannot be lodged or deposited using the ELN. If the subscriber receives that message, the exemption will apply.⁴⁰

It should be noted that fundamental legislative principles apply only in respect of rights and liberties of individuals, not corporate entities, which some of the subscribers would be, for instance deposit-taking institutions.

Rights and liberties of individuals—Right to privacy regarding personal information

Legislation should not abrogate common law rights without sufficient justification.⁴¹ These rights include an individual’s right to privacy with respect to their personal information.⁴² The right to privacy, and the disclosure of private or confidential information are relevant to a consideration of whether legislation has sufficient regard to the rights and liberties of the individual.

Although the explanatory notes do not raise the right to privacy regarding personal information that is collected and stored in the freehold land register and within the ELN in the consideration of consistency with fundamental legislative principles, it is considered from a human rights perspective in the human rights certificate. The right to privacy is discussed below.

6.2 Explanatory notes

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

³⁵ Associated financial transaction is defined in section 3 of the Electronic Conveyancing National Law (Queensland) as a transaction of a financial nature that is associated with a conveyancing transaction, for example: the payment of the purchase price for the sale and purchase of an interest in land, the advancing of a mortgage in return for granting a mortgage, and payment of duty or a fee in respect of the conveyancing transaction.

³⁶ SL No. 124, s 3(2)(d).

³⁷ SL No. 124, s 5(2)(e).

³⁸ SL No. 124, s 6.

³⁹ SL No. 124, Explanatory notes, p 5.

⁴⁰ SL No. 124, Explanatory notes, p 6.

⁴¹ OQPC, *Fundamental Legislative Principles: The OQPC Notebook*, p 95.

⁴² LSA, s 4(2)(a). OQPC, *Fundamental Legislative Principles: The OQPC Notebook*, p 95.

6.3 Human rights considerations

The committee is satisfied that the subordinate legislation is compatible with human rights. Where it is arguable that the right to privacy has been limited, this limitation is only to the extent that is reasonable and demonstrably justified in accordance with section 13 of the HR Act.

The human rights certificate lists property rights, recognition and equality before the law, and privacy as being relevant or engaged by SL No. 126, but concludes that only the right to privacy is limited.⁴³

Right to privacy

A person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and not to have their reputation unlawfully attacked.⁴⁴

The human rights certificate states that SL No. 124 limits the right in two ways:

The first is that the performance of eConveyancing requires the collection and storage of personal information in an ELN. The second is that, in accordance with the Land Title Act, information pertaining to fee simple transactions will be stored within the freehold land register. The Land Title Act also provides persons with the ability to search the freehold land register upon payment of a relevant fee. The particulars recorded within the freehold land register include identifying information, such as the name or date of birth of all individuals who hold or have held a registered interest in a lot under the Land Title Act. These two factors will engage and limit one's right to privacy.⁴⁵

The human rights certificate provides this justification for the limitation on human rights:

The collection and storage of personal information onto an ELN is an integral aspect of the correct and proper performance of eConveyancing. Due to this, the limitation performs a critical role in furthering a seamless national eConveyancing economy. Equally, although the freehold land register presents an additional engagement and limitation of the right to privacy, it remains a key component of contemporary property ownership. Its existence is required for the right to property to exist, and the ability to search the freehold land register bolsters freedom of expression by ensuring that publicly held information is not subject to unnecessary restriction.

...

The limitation imposed on the right to privacy by the Land Title Regulation is considered reasonable and balanced based on the significant benefits gained in furthering a seamless national eConveyancing economy, the promotion of separate human rights and the existing safeguards ameliorating the risk and impact of the limitation. In pursuing a seamless national eConveyancing economy, it is ensured that Queensland's conveyancing practices remain modern and consistent with other state jurisdictions. Similarly, the limitation promotes both the right to property and the right to freedom of expression. To the extent that this limitation presents risks to individuals, these risks are accounted for by safeguards within legislation and associated rules which govern security processes. Based on these factors, the limiting law strikes a fair balance between the purpose of the limitation and the preservation of the human right.⁴⁶

6.4 Human rights certificate

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.

⁴³ SL No. 124, human rights certificate, pp 1-2.

⁴⁴ HRA, s 25.

⁴⁵ SL No. 124, human rights certificate, p 2.

⁴⁶ SL No. 124, human rights certificate, pp 3-4.

7 SL No. 128 of 2022 - Transport Operations (Passenger Transport) Amendment Regulation 2022

The objective of the Transport Operations (Passenger Transport) Amendment Regulation 2022 (SL No. 128) is to:

- allow substitute taxis to be used under a peak demand arrangement until 30 September 2024
- remove the chief executive's discretion to refuse to award a school service contract unless a local conveyance committee has been established.⁴⁷

Substitute taxis

The Transport Operations (Passenger Transport) Regulation 2018 (Passenger Transport Regulation) provides for substitute vehicle authorities for taxi service licences. An authorised booking entity may apply for a substitute vehicle authority for a motor vehicle to be used under a taxi service licence in particular circumstances, such as where an existing taxi cannot be used due to accident or repair. These vehicles are called 'substitute taxis'.⁴⁸ Substitute taxis may also be approved to supplement the taxi fleet during times of peak customer demand. Substitute taxis stated in a peak demand exemption notice may be used to provide taxi services and booked hire services until 30 September 2022.

Until the Department of Transport and Main Roads' (TMR) current review of taxi service licensing is completed to determine a longer-term solution, peak demand arrangements for substitute taxis are needed to allow substitute vehicles to provide taxi services and booked hire services. The existing arrangements are therefore extended until 30 September 2024.⁴⁹

SL No. 128 also clarifies that section 180(1) of the Passenger Transport Regulation 2018 does not apply to peak demand arrangements. This means vehicles used during peak demand arrangements need not comply with section 177.⁵⁰

Removal of discretion for local conveyance committee

Section 273 of the Passenger Transport Regulation allows the chief executive to refuse to award a school service contract unless parents of students eligible for the School Transport Assistance Scheme have established a local conveyance committee, and the committee is operating in accordance with relevant guidelines. In awarding such a contract, the chief executive must also ensure views of any local conveyance committee, if established, are considered.⁵¹

Local conveyance committees consist of volunteer parents and guardians of eligible students travelling on a kilometre-based school bus service. Conveyance committees may be formed to assist operators with the administration of services, providing input to ensure the service meets the transport needs of individual rural, regional, and remote communities.⁵²

The chief executive no longer refuses to award a school service contract if a conveyance committee is not in place. The role of conveyance committees has evolved, diminishing their need for service contracts. Previously, conveyance committees were involved in awarding new school service contracts and certified bus operators' monthly Kilometre Exception Reports, which enabled monthly payments. TMR is now responsible for contract requirements. More recently, the role of conveyance committees has evolved to assisting school principals and bus operators in maintaining discipline of school

⁴⁷ SL No. 128, Explanatory notes, p 1.

⁴⁸ SL No. 128, Explanatory notes, p 1.

⁴⁹ SL No. 128, Explanatory notes, p 2.

⁵⁰ SL No. 128, Explanatory notes, p 2. Section 177 does not currently provide for the use of a substitute taxi under a peak demand exemption notice.

⁵¹ SL No. 128, Explanatory notes, p 2.

⁵² SL No. 128, Explanatory notes p 2.

students while travelling on school buses, and liaising with operators on matters such as bus stops and timetables.⁵³

By omitting section 273, SL No. 128 removes the need for local conveyance committees for school service contracts. TMR will manage local conveyance committees through existing policy, which outlines the requirements around conveyance committees, and through individual school service contracts negotiated between TMR and the service operator.⁵⁴

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 *Legislative Standards Act 1992*.

7.3 Human rights considerations

The committee is satisfied that the subordinate legislation is compatible with human rights.

7.4 Human rights certificate

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.

8 SL No. 136 of 2022 - Gold Coast Waterways Authority Regulation 2022

The objective of the Gold Coast Waterways Authority Regulation 2022 (SL No. 136) is to remake the Gold Coast Waterways Authority Regulation 2012 (expiring regulation), which expired on 1 September 2023.⁵⁵

SL No. 136 will continue to prescribe the amount of the annual marina owner levy payable to the Gold Coast Waterways Authority (Authority). In particular, section 2 of SL No. 136 provides that the amount of the annual levy is worked out based on the number and length of berths at the marina. This reflects how the amount of the annual levy is worked out in the expiring regulation.⁵⁶

The expiring regulation contained provisions that facilitated the establishment of the Authority. These provisions allowed for the novation of State contracts and the transfer of assets to the Authority in 2012. These provisions no longer have any ongoing operational effect and, as a result, have been omitted.⁵⁷

8.1 Fundamental legislative principle issues

No issues of fundamental legislative principle were identified.

8.2 Explanatory notes

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

8.3 Human rights considerations

The committee is satisfied that the subordinate legislation is compatible with human rights.

⁵³ SL No. 128, Explanatory notes, p 3.

⁵⁴ SL No. 128, Explanatory notes, p 3.

⁵⁵ SL No. 136, Explanatory notes, p 1.

⁵⁶ SL No. 136, Explanatory notes, p 2.

⁵⁷ SL No. 136, Explanatory notes, p 2.

8.4 Human rights certificate

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.

9 SL No. 139 of 2022 - Petroleum and Gas (Safety) Amendment Regulation 2022

The objective of the Petroleum and Gas (Safety) Amendment Regulation 2022 (SL No. 139) is to correct a technical error in the Resources Legislation (Safety and Health Fees) Amendment Regulation 2021 (the fee amendment regulation), which commenced on 1 July 2022.⁵⁸

The fee amendment regulation contained references, in the safety and health fee payable by the operator of a facility that produces or processes biogas or biomethane, to the measurement unit of kW/h and MW/h which are incorrect. Those references should be to kW and MW respectively.⁵⁹ The fees for biogas and biomethane fees need to be invoiced on 10 November 2022. As a result, SL No. 139 is needed to correct the technical errors before the fees are invoiced.⁶⁰

9.1 Fundamental legislative principle issues

No issues of fundamental legislative principle were identified.

9.2 Explanatory notes

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

9.3 Human rights considerations

The committee is satisfied that the subordinate legislation is compatible with human rights.

9.4 Human rights certificate

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.

10 Recommendation

The committee recommends that the House notes this report.



Shane King MP

Chair

December 2022

⁵⁸ SL No. 139, Explanatory notes, p 1.

⁵⁹ SL No. 139, Explanatory notes, p 2.

⁶⁰ SL No. 139, Explanatory notes, p 2.

Transport and Resources Committee

Chair	Mr Shane King MP, Member for Kurwongbah
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