

Economics and Governance Committee

Report No. 53, 57th Parliament

Subordinate legislation tabled between
14 June 2023 and 22 August 2023

1 Aim of this report

This report summarises the findings of the Economics and Governance Committee (committee) following our examination of the subordinate legislation within our portfolio areas tabled between 14 June 2023 and 22 August 2023.

It reports on any identified issues 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 on our consideration of the compliance with the *Human Rights Act 2019* (HRA) of the human rights certificates tabled with the subordinate legislation.⁵

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date*
50	Civil Liability and Other Legislation (Prescribed Amounts) Amendment Regulation 2023	22 August 2023	16 November 2023
64	Major Events (FIFA Women's World Cup) Regulation 2023	22 August 2023	16 November 2023
88	Major Events (Pacific Airshow Gold Coast) Regulation 2023	22 August 2023	16 November 2023
104	Duties Regulation 2023	22 August 2023	16 November 2023

*The disallowance date is 14 sitting days after the tabling date. (See section 50 of the *Statutory Instruments Act 1992*.) 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 were identified with the policy, consistency with FLPs, lawfulness, or compatibility with human rights of the Civil Liability and Other Legislation (Prescribed Amounts) Amendment Regulation 2023 or the Duties Regulation 2023.

The committee identified potential FLP and human rights issues in relation to the Major Events (FIFA Women's World Cup) Regulation 2023 and the Major Events (Pacific Airshow Gold Coast) Regulation

¹ *Legislative Standards Act 1992* (LSA), s 4.

² *Human Rights Act 2019* (HRA), s 8.

³ *Parliament of Queensland Act 2001* (POQA), s 93.

⁴ LSA, pt 4 (s 24).

⁵ HRA, s 41.

2023. These issues are discussed further in the next section. The committee was nonetheless satisfied that the regulations are consistent with FLPs and compatible with human rights, though the committee has expressed its expectation that future regulations of this nature will be tabled in a more timely manner, to better support the Parliament's scrutiny of these matters.

The committee was also satisfied that the explanatory notes to the subordinate legislation comply with part 4 of the LSA, and that the accompanying human rights certificates provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the HRA.

A brief overview of the subordinate legislation is provided below.

4 Civil Liability and Other Legislation (Prescribed Amounts) Amendment Regulation 2023

The Civil Liability and Other Legislation (Prescribed Amounts) Amendment Regulation 2023 (SL No. 50) increases the amount of various costs and offer limits, monetary caps and thresholds in relation to common law damages for personal injury contained in the Civil Liability Regulation 2014, the Motor Accident Insurance Regulation 2018 and the Personal Injuries Proceedings Regulation 2014.⁶

The explanatory notes for SL No. 50 set out the legislative requirements for these amounts to be reviewed and amended annually as follows:

Provisions in the [*Civil Liability Act 2003*, the *Motor Accident Insurance Act 1994* and the *Personal Injuries Proceedings Act 2022*] require the relevant Minister to recommend to the Governor in Council on or before 1 July each year the amounts that are to be prescribed for the indexation of these costs and offer limits, monetary caps and thresholds. The indexed amount is determined by the amount last prescribed, adjusted by the percentage change in the amount of Queensland full-time adult persons ordinary time earnings declared by the Australian Statistician in the original series of the statistician's average weekly earnings (AWE) publication most recently published before the start of the financial year and rounded to the nearest ten dollar.⁷

According to Australian Bureau of Statistics data, the average weekly earnings amount to be applied from 1 July 2023 is \$1,760.70. This represents an annual increase of 5.34 per cent when applied to each costs and offer limit, monetary cap and threshold set out in the applicable regulations.⁸

4.1 Consistency with fundamental legislative principles

No FLP issues were identified.

4.2 Explanatory notes

The explanatory notes comply with part 4 of the LSA.

4.3 Compatibility with human rights

We are satisfied that the subordinate legislation is compatible with human rights.

4.4 Human rights certificate

The human rights certificate tabled with SL No. 50 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 Major Events (FIFA Women's World Cup) Regulation 2023

The Major Events (FIFA Women's World Cup) Regulation 2023 (SL No. 64) prescribes:

- the Fédération Internationale de Football Association (FIFA) Women's World Cup 2023 as a major event, to the extent the tournament is being held in Queensland (including both the match venue and Fan Festival site)

⁶ SL No. 50, explanatory notes, p 1. SL No. 50 commenced on 1 July 2023: SL No. 50, s 2.

⁷ SL No. 50, explanatory notes, p 1.

⁸ SL No. 50, explanatory notes, p 2; Applicable regulations: Civil Liability Regulation 2014; Motor Accident Insurance Regulation 2018; Personal Injuries Proceedings Regulation 2014.

- FWWC2023 Pty Ltd as the major event organiser
- Brisbane Stadium and the FIFA Fan Festival site as the major event areas
- the areas surrounding the Brisbane Stadium and the FIFA Fan Festival site as the controlled areas
- the relevant major event periods and control periods (being prescribed periods that commence at the beginning of 20 July 2023 and conclude not after the end of 20 August 2023)
- the official logos and titles for the major event
- venue and event security provisions from the *Major Events Act 2014* (Act), including controlling entry and conduct, prohibiting certain items within a major event area, and providing powers to inspect bags and direct persons to leave a major event area
- commercial protections from the Act to prevent ticket scalping, unauthorised street trading, ambush marketing, unauthorised broadcasting within the major event and controlled areas, and to provide powers to direct the removal of or seize items
- that the major event organiser may appoint security contractors as authorised persons
- the limits to powers for particular authorised persons.⁹

5.1 Consistency with fundamental legislative principles

5.1.1 Rights and liberties of individuals

The explanatory notes advise that SL No. 64 'is machinery in nature and does not depart from the fundamental legislative principle safeguards established under the *Major Events Act 2014*'.¹⁰ The explanatory notes do not identify these safeguards.

FLPs include requiring that legislation should have sufficient regard to the rights and liberties of individuals.¹¹ Prescribing the FIFA Women's World Cup 2023 as a major event results in restrictions on individuals in the major event areas and controlled areas, limiting their rights and liberties during the major event period and the controlled period.

Sections 8 to 12 of SL No. 64 apply certain provisions of the Act to the FIFA Women's World Cup 2023, the Brisbane Stadium major event area and controlled area, and the FIFA fan festival major event area and controlled area. Those provisions impose certain restrictions on one or more of the prescribed areas, including limitations on entering the event area, and persons being subject to possible infringements on their rights within the event area.

The potential infringements on rights and liberties include being frisked by a police officer,¹² limitations on what a person may possess or do while entering or within the major event area (e.g. no laser pointers),¹³ and being directed to immediately leave the event area and not enter it for up to 24 hours.¹⁴ In addressing consistency with FLPs, the explanatory notes seek to justify the limitations on the rights and liberties of individuals as follows:

The provisions prescribed under the [SL No. 64] will not be ongoing, will only be in force for limited periods and in clearly defined areas immediately surrounding the major event venues. These limitations will minimise undue impacts on individuals' rights and liberties, ensuring there are no unnecessary limitations

⁹ SL No. 64, explanatory notes, p 2.

¹⁰ SL No. 64, explanatory notes, p 3.

¹¹ LSA, s 4(2)(a).

¹² *Major Events Act 2014* (Act), s 18(6). Section 18 also provides for other security screening measures.

¹³ Act, s 20. A person also must not be in possession of a weapon, explosive, flare or other distress signal within a major event area.

¹⁴ Act, s 26(2). Such a direction may be given where the person is committing an offence, appears to be drunk or adversely affected by a drug, does not produce a ticket or other evidence of the person's right to be in all or part of the major event area, or does not consent to certain security screening measures or the opening or inspection of a bag, container or other thing in their possession.

on public enjoyment of the event or restrictions on nearby businesses and residents going about their ordinary activities.

[SL No. 64] is consistent with the objectives of the *Major Events Act 2014*, and is necessary in order to ensure public safety for the duration of the event.¹⁵

Additionally, in its discussion of SL No. 64's policy objectives, the explanatory notes:

- suggest that without a regulation under the Act, the major event organiser will be exposed to increased risks in managing crowd safety and protecting their intellectual property and commercial sponsorship rights – for example, due to ambush marketing, ticket scalping, sale of knock-off merchandise and other unauthorised use of the event's official logos or titles¹⁶
- observe that the FIFA Women's World Cup 2023 will deliver significant economic and tourism benefits for Brisbane and Queensland.¹⁷

Committee comment

On balance, the committee considers that the economic and tourism benefits to Brisbane of hosting the FIFA Women's World Cup 2023 outweigh the potential temporary inconvenience to local residents and attendees resulting from the restrictions associated with the event. The committee is therefore satisfied that any breach of FLPs relating to the rights and liberties of individuals is justified.

5.1.2 Institution of Parliament

FLPs require legislation to have sufficient regard to the institution of Parliament.¹⁸

While Australia and New Zealand won the hosting right to the FIFA Women's World Cup 2023 approximately 3 years before the notification of the subordinate legislation,¹⁹ the regulation was not tabled in the Legislative Assembly until 22 August 2023. The committee understands that organisations such as FIFA and the International Olympic Committee have strong conditions on security and licensing that must be met.

However, the timing of the tabling meant Parliament was unable to scrutinise the regulation, and potentially disallow it, prior to the event.

Committee comment

While the committee appreciates that the subordinate legislation was notified some time prior to its tabling, the timing of the tabling of SL No. 64 denied the Parliament the ability to scrutinise the regulation or potentially disallow it prior to its provisions taking and ceasing to have effect. The committee therefore encourages the Minister to ensure future regulations of this nature are tabled in a more timely fashion and with regard to the Parliamentary sitting calendar, to ensure the ability of the Parliament to duly consider the regulations is not constrained.

5.2 Explanatory notes

The explanatory notes comply with part 4 of the LSA.

¹⁵ SL No. 64, explanatory notes, p 3.

¹⁶ SL No. 64, explanatory notes, p 2.

¹⁷ SL No. 64, explanatory notes, p 1.

¹⁸ LSA, s 4(2)(b).

¹⁹ The Australia-New Zealand bid won hosting rights on 25 June 2020: FIFA, 'Australia and New Zealand selected as hosts of FIFA Women's World Cup 2023', media release, 25 June 2020, <https://www.fifa.com/tournaments/womens/womensworldcup/australia-new-zealand2023/media-releases/australia-and-new-zealand-selected-as-hosts-of-fifa-women-s-world-cup-2023tm>. SL No. 64 was notified on 23 June 2023.

5.3 Compatibility with human rights

The Minister, in the human rights certificate accompanying SL no. 64, acknowledges that the regulation could at least potentially impact on various human rights, including the rights to freedom of movement,²⁰ freedom of expression,²¹ property rights,²² and the right to privacy.²³

In particular, the Minister notes that SL No. 64 applies certain provisions of the Act which:

- limit the right to freedom of movement by prohibiting an individual entering or exiting the major event area except through a designated entry or exit, and by providing for an authorised officer to direct an individual to leave the major event area (affecting the individual's ability to move through and remain in areas that are public space)²⁴
- limit the right to expression by imposing restrictions on the broadcasting of the event, advertising in the major event area, and the unauthorised use of the official logo (as well as preventing individuals from selling or distributing goods in the event area, unless they have written approval of the event organiser or a 'reasonable excuse')²⁵
- potentially impact on an individual's right to property by providing for the temporary removal of an item of a person's property to enable the item to be inspected, and also for the confiscation or seizure of a person's property in certain circumstances (eg where the item relates to a contravention of logo/brand protections or other condition of entry)²⁶
- potentially impact an individual's right to privacy, by providing for an authorised person to:
 - ask a person inside the event to consent to opening a bag, container or other thing in their possession and allowing the authorised officer to inspect the bag, container or other thing
 - ask a person entering a major event area to consent to:
 - the use of an electronic detection device, including a metal detector, on the person or the person's possessions
 - the inspection of the person's belongings or an article in their possession
 - removal of outer garments or articles from the person's clothing and inspection of those items
 - if a person is entering the major event area in a vehicle – inspection of the vehicle, or removal of an article from the vehicle and inspection of the article.²⁷

The human rights certificate states in respect of these identified limitations:

These limitations help achieve the purpose of the [Act] by limiting the movement of individuals into and within the major event area, ensure appropriate behaviour of visitors and spectators, and are necessary to ensure the major event organisers have sufficient capacity to provide for and manage a safe event space for the FWWC 2023.

²⁰ HRA, s 19: Every person lawfully in Queensland has the right to move freely within Queensland.

²¹ HRA, s 21: Every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.

²² HRA, s 24(2): A person must not be arbitrarily deprived of their property.

²³ HRA, s 25(a): A person has the right not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

²⁴ SL No. 64, human rights certificate, p 2.

²⁵ SL No. 64, human rights certificate, p 2. Note: SL 64 also enlivens s 76 of the Act, which makes it an offence to impersonate an authorised person.

²⁶ SL No. 64, human rights certificate, p 3.

²⁷ SL No. 64, human rights certificate, p 3; 6. Note: the Act also requires the provision of a person's name and address where they are found to be committing or are reasonably suspected of having just committed an offence under the Act – a power the SL No. 64 restricts to authorised persons who are police officers.

..... the [Act] is consistent with a ticketed private venue and that individuals must enter through the venue's designated gates, have a ticket or other authorisation to be at the venue, and they must abide by conditions of entry and expected conduct.²⁸

Further, the certificate emphasises that:

- the restrictions on individuals broadcasting matches or using the official logo are justifiable as they:
 - 'prevent unauthorised third parties from exploiting the FWWC 2023 event for their own gain or affecting the integrity of the event or the exclusive rights of the event's official sponsors'
 - still allow an individual to broadcast or record the event on a personal electronic device for their own use or for a purpose other than for profit or gain²⁹
- the potential impacts on property 'aren't unduly restrictive and would be minor in effect excluding where this property might be a prohibited item'³⁰ – in which case its seizure or confiscation would be consistent with the public safety objectives of the Act
- the impacts on privacy are a 'lawful and non-arbitrary intrusion' similar to those 'at an airport or private ticketed venue' and 'are balanced by the requirement under the [Act] that individuals must consent to the search, and authorised persons must be appropriately trained and have a sufficient reason to exercise these powers'.³¹

Committee comment

The committee is satisfied that SL No. 64 is compatible with human rights and that any limitations regarding freedom of movement and expression, property rights, and the right to privacy are reasonable and justifiable.³²

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 Major Events (Pacific Airshow Gold Coast) Regulation 2023

The Major Events (Pacific Airshow Gold Coast) Regulation 2023 (SL No. 88) prescribes the inaugural Pacific Airshow Gold Coast 2023 (Pacific Airshow) as a major event.³³

The explanatory notes advised that up to 150,000 spectators were expected to attend the Pacific Airshow at Surfers Paradise Beach (including the surrounding airspace and waterways) from 18 to 20 August 2023, with practice and reconnaissance flights taking place from 16 August 2023.³⁴

In establishing the Pacific Airshow as a major event, SL No. 88 also prescribed:

- Pacific Airshow Pty Ltd as the major event organiser
- Surfers Paradise Beach, adjacent operational locations, and the Southport Airport as major event areas and the surrounding Surfers Paradise locale as the controlled area

²⁸ SL No. 64, human rights certificate, p 4.

²⁹ SL No. 64, human rights certificate p 5.

³⁰ SL No. 64, human rights certificate, p 5.

³¹ SL No. 64, human rights certificate, p 6.

³² Section 8 of the 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 s 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.

³³ SL No. 88, s 3.

³⁴ SL No. 88, explanatory notes, p 1.

- the relevant major event periods and control periods for each venue
- the official logos and titles for the major event
- venue and event security provisions from the Act including controlling entry and conduct, prohibiting certain items within a major event area, and providing powers to inspect bags and direct persons to leave a major event area
- commercial protections from the Act to prevent ticket scalping, unauthorised street trading, ambush marketing, unauthorised broadcasting within the major event and controlled areas, and providing powers to direct removal or seize items
- arrangements for the major event organiser to appoint licenced crowd controllers and security officers under the *Security Providers Act 1993* as authorised persons; and
- the limits to powers for particular authorised persons.³⁵

The explanatory notes assert that if a regulation is not made under the Act, Pacific Airshow Pty Ltd would:

... be exposed to increased risks during construction and dismantling of event infrastructure, managing noise concerns, crowd safety and protecting their intellectual property and commercial sponsorship rights, for example due to ambush marketing, ticket scalping, sale of knock-off merchandise and other unauthorised use of the event's official logos or titles.³⁶

6.1 Consistency with fundamental legislative principles

6.1.1 Rights and liberties of individuals

FLPs include requiring that legislation should have sufficient regard to the rights and liberties of individuals.³⁷

As noted in section 5.1.1 of this report, the declaration of a major event results in restrictions on individuals in the major event area, with implications for their rights and liberties. These restrictions potentially commence with the carrying out of temporary works prior to the event, and continue until the return of the land to the condition it was in immediately before the temporary works were carried out.

The restrictions include altered access to roads, beaches and paths, limitations on entering the event area (e.g. not being able to enter the event area without paying the entry fee),³⁸ and persons being subject to possible infringements on their rights within the event area.

These potential infringements on rights and liberties include:

- being frisked by a police officer³⁹
- limitations on what a person may possess or do while entering or within the major event area (e.g. no weapons and no soliciting money)⁴⁰
- being directed to immediately leave the event area and not enter it for up to 24 hours⁴¹
- not being permitted to park a car in the event area.⁴²

The explanatory notes do not directly address these potential infringements on the rights and liberties of individuals but note that the provisions prescribed under SL No. 88 will only be in place for a limited

³⁵ SL No. 88, explanatory notes, pp 2-3.

³⁶ SL No. 88, explanatory notes, p 2.

³⁷ LSA, s 4(2)(a).

³⁸ Unless certain exceptions apply, such as the person has an occupant's pass: Act, ss 18(1)-(4), 19.

³⁹ Act, s 18(6).

⁴⁰ Act, s 20.

⁴¹ Act, s 26. See also footnote 14. In certain circumstances, the event organiser may direct the person not to enter the major event area for a period of more than 24 hours.

⁴² Except in specified circumstances. Act, s 28.

time and apply in ‘clearly defined areas immediately surrounding the major event venues’.⁴³ According to the explanatory notes:

These limitations will minimise undue impacts on individuals’ rights and liberties, ensuring there are no unnecessary limitations on public enjoyment of the event or restrictions on nearby businesses and residents going about their ordinary activities.

[SL No. 88] is consistent with the objectives of the Act and is necessary in order to ensure public safety for the duration of the event.⁴⁴

Elsewhere in the explanatory notes, the expected benefits of the event are outlined as follows:

The 2023 PAGC will deliver significant economic and tourism benefits for Gold Coast and Queensland. With no other event of its kind in Australia, PAGC 2023 is expected to see up to 150 000 spectators in Queensland, with the high-profile nature and international status of the event likely to generate strong interest and attendance both domestically and internationally. It is anticipated that the PAGC will secure significant national and international media coverage, contributing to the international reputations of Queensland as a major events and tourism destination, particularly into the US market.⁴⁵

Committee comment

On balance, as with the FIFA Women’s World Cup 2023, the committee considers the economic and tourism benefits to the Gold Coast and Queensland from hosting the Pacific Airshow outweigh the potential temporary inconvenience to local residents and others resulting from noise, road closures and diversions, and other restrictions associated with the event. Therefore, the committee considers that any breach of FLPs is justified.

6.1.2 Institution of Parliament

While the subordinate legislation was notified on 21 July 2023, the major event period and control period for the Pacific Airshow (8am on 18 August 2023 to 5.30pm on 20 August 2023) ended prior to the tabling of SL No. 88 in the Legislative Assembly. This limits the effect of any Parliamentary scrutiny, as the provisions had ceased to apply before being considered.

Committee comment

Similar to the subordinate legislation for the FIFA Women’s World Cup 2023, the timing of the tabling of the subordinate legislation denied the Parliament the ability to scrutinise the regulation or potentially disallow it prior to its provisions taking and ceasing to have effect. The committee reiterates its expectation that future regulations of this nature will be tabled in a more timely fashion, to ensure the ability of the Parliament to duly consider the regulations is not constrained.

6.2 Explanatory notes

The explanatory notes comply with part 4 of the LSA.

6.3 Compatibility with human rights

As with SL No. 64, the Minister acknowledges in the human rights certificate accompanying SL No. 88 that the regulation could potentially impact on a number of human rights, including the right to freedom of movement, freedom of expression, property rights and the right to privacy.⁴⁶

The Minister notes that this includes:

- limiting the right to freedom of movement by imposing restrictions on persons who may wish to enter, remain in or leave major event areas, and providing for a person to be directed to leave a

⁴³ SL No. 88, explanatory notes, p 3.

⁴⁴ SL No. 88, explanatory notes, pp 3-4.

⁴⁵ SL No. 88, explanatory notes, p 3.

⁴⁶ SL No. 88, human rights certificate, p 1.

major event area (as well as causing altered access to roads, paths and beaches,⁴⁷ including during the construction and dismantling of barriers and structures in the lead up to and following the event⁴⁸)

- limiting freedom of expression by imposing conditions on individuals' conduct when entering and within a major event area, including:
 - preventing individuals from broadcasting the event for profit or gain and prohibiting unauthorised use of the Pacific Airshow official logo or title (or one that is deceptively similar) during the major event period
 - preventing individuals from offering services for a fee, soliciting money or distributing a document unless they have written approval of the major event organiser or a 'reasonable excuse'⁴⁹
- potentially impacting property rights, including by providing for the temporary removal of an item of a person's property to enable the item to be inspected, providing for a person's unattended vehicle to be moved, and providing for certain items of property to be confiscated or seized by an authorised officer⁵⁰
- potentially impacting an individual's right to privacy by:
 - providing for persons entering the major event area to be asked to consent to:
 - the use of an electronic detection device (e.g. a metal detector) on them or their possessions
 - inspection of their belongings, and removal and inspection of outer garments and articles in their possession
 - inspection of their vehicle and removal and inspection of an article from their vehicle
 - providing that persons who are directed to leave the major event area may have their photo (or other image) taken
 - providing for persons found to be committing, or reasonably suspected of having just committed, an offence against the Act, to be required to state their name and address and provide evidence of the correctness of that statement to an authorised person who is a police officer.⁵¹

The human rights certificate emphasises that the identified limitations, many of which are similar to conditions of entry for a private ticketed venue,⁵² 'are not arbitrary, and are non-discriminatory in nature, and necessary to meet the objectives of the Act':⁵³

Their purpose is to ensure the safety and amenity of visitors and spectators, and to provide brand/commercial protections to the event organiser at a major event. These objectives are consistent with a free and democratic society based on human dignity, equality and freedom.⁵⁴

⁴⁷ SL No. 88, human rights certificate, pp 2, 4.

⁴⁸ From 8am to 6 August 2023 up until the commencement of the major event period, and from the conclusion of the event period (at 5.30pm on 20 August 2023) up to 26 August 2023 at 5.30pm: SL No. 88, s 10.

⁴⁹ SL No. 88, human rights certificate, p 2. Note: SL No. 88 also enlivens s 76 of the Act, which makes it an offence to impersonate an authorised person.

⁵⁰ SL No. 88, human rights certificate, p 3.

⁵¹ SL No. 88, human rights certificate, pp 3, 6.

⁵² SL No. 88, human rights certificate, pp 4, 6.

⁵³ SL No. 88, human rights certificate, p 4.

⁵⁴ SL No. 88, human rights certificate, p 4.

Further:

Provisions under [SL No. 88] are constrained to the major event periods and the temporary works periods outlined in [SL No. 88] and/or to the major event and controlled areas for the Pacific Airshow Gold Coast; minimising potential limitations on these human rights.⁵⁵

Committee comment

The committee is satisfied that SL No. 88 is compatible with human rights and that any limitations regarding freedom of movement and expression, property rights, and the right to privacy are reasonable and justifiable.

6.3.1 Human rights certificate

The human rights certificate tabled with SL No. 88 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

7 Duties Regulation 2023

The Duties Regulation 2023 (SL No. 104), which commenced on 2 September 2023,⁵⁶ remakes the Duties Regulation 2013, which expired on 1 September 2023,⁵⁷ to provide for particular administrative matters necessary for the proper administration of the *Duties Act 2001*.⁵⁸ This included re-establishing provisions for:

- the rounding of amounts expressed as fee units
- declared public unit trusts
- the apportionment of insurance premiums for the purposes of calculating insurance duty where the property or risk insured is in more than one jurisdiction
- the duty payable for travel insurance policies
- how transfer duty concessions and exemptions apply to electronic lodgement network transfers or lodgements
- the fees payable for certain administrative functions
- the activities which qualify as prescribed businesses for the purposes of concessional duty treatment
- recognised stock exchanges for duty exemption purposes.⁵⁹

The explanatory notes advise that, in remaking the relevant provisions, SL No. 104 includes some minor changes identified through a review of the 2013 regulation as necessary to ensure the legislation remains current.⁶⁰ Changes include not remaking provisions which prescribe specific commencement dates for certain provisions⁶¹ and updating the definition of ‘federal interstate motor vehicle’ to reflect

⁵⁵ SL No. 88, human rights certificate, p 4.

⁵⁶ SL No. 104, s 2.

⁵⁷ The Duties Regulation 2013 automatically expired on 1 September 2013 in accordance with s 54 of the *Statutory Instruments Act 1992*, which provides for the automatic expiry of subordinate legislation on 1 September first occurring after the tenth anniversary of its making.

⁵⁸ SL No. 104, explanatory notes, p 1.

⁵⁹ SL No. 104, explanatory notes, p 1.

⁶⁰ SL No. 104, explanatory notes, p 1.

⁶¹ Being, sections 9(c) and (e) and schedule 1, part 2, item 5, which relate to recognised stock exchanges and declared public unit trusts and which pre-date the commencement of the Duties Regulation 2023, and will be retained within the relevant provisions of the Duties Regulation 2013 following its expiry. See SL No. 104, explanatory notes, pp 1-2.

the repeal of the *Interstate Road Transport Act 1985* (Cth), along with changes necessary to facilitate the remake.⁶²

6.4 7.1 Consistency with fundamental legislative principles

No FLP issues were identified.

6.5 7.2 Explanatory notes

The explanatory notes comply with part 4 of the LSA.

6.6 Compatibility with human rights

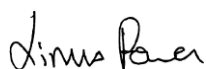
We are satisfied that the subordinate legislation is compatible with human rights.

6.7 Human rights certificate

The human rights certificate tabled with SL No. 104 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

7 Recommendation

The committee recommends that the House notes this report.



Linus Power MP

Chair

October 2023

Economics and Governance Committee

Chair

Mr Linus Power MP, Member for Logan

Deputy Chair

Mr Ray Stevens MP, Member for Mermaid Beach

Members

Mr Michael Crandon MP, Member for Coomera

Mrs Melissa McMahon MP, Member for Macalister

Mr Daniel Purdie MP, Member for Ninderry

Mr Adrian Tantari MP, Member for Hervey Bay

⁶² SL No. 104, explanatory notes, p 2.