

Economics and Governance Committee

Report No. 46, 57th Parliament

Subordinate legislation tabled between
29 March 2023 and 18 April 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 29 March 2023 and 18 April 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 rights² 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*
22	Motor Accident Insurance and Other Legislation (Administration Fee and Levies) Amendment Regulation 2023	18 April 2023	23 August 2023
26	Proclamation No. 2 – <i>Queensland Veterans' Council Act 2021</i>	18 April 2023	23 August 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 by the committee regarding the policy, consistency with FLPs, human rights compatibility, or lawfulness of the subordinate legislation.

The committee considered that the explanatory notes tabled with the subordinate legislation comply with the requirements of part 4 of the LSA. Further, the human rights certificates tabled with the regulation and proclamation respectively provide a sufficient level of information to facilitate an understanding of the subordinate legislation in relation to their compatibility with the HRA.

A brief overview of the subordinate legislation is provided below.

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, Part 4.

⁵ HRA, s 41.

4 Motor Accident Insurance and Other Legislation (Administration Fee and Levies) Amendment Regulation 2023

The objective of the Motor Accident Insurance and Other Legislation (Administration Fee and Levies) Amendment Regulation 2023 (SL No. 22) is to fix the levies and the administration fee to be applied to Compulsory Third Party (CTP) insurance premiums from 1 July 2023 to 30 June 2024.⁶

In this regard, SL No. 22 amends:

- the Motor Accident Insurance Regulation 2018⁷ to fix the statutory insurance scheme levy,⁸ hospital and emergency services levy,⁹ Nominal Defendant levy¹⁰ and administration fee¹¹
- the National Injury Insurance Scheme (Queensland) Regulation 2016¹² to fix the injury insurance scheme levy (NIISQ levy).¹³

The explanatory notes state that the levies and the administration fee are fixed on a flat fee basis relative to the applicable motor vehicle class, and that SL No. 22 will enable the efficient collection of funds (via CTP insurance premiums) necessary to:

- support the cost of delivering different components of the CTP scheme and
- fund the National Injury Insurance Scheme, Queensland (NIISQ).¹⁴

The explanatory notes advise:

From 1 July 2023, the total levies and administration fee, including the NIISQ levy of \$119.00, will be \$147.60 per Class 1 vehicle (cars/station wagons). In total, this represents an increase of \$3.60 (or 2.5 per cent) from the previous financial year.¹⁵

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.

⁶ SL No. 22, explanatory notes, p 1.

⁷ SL No. 22, pt 2 (amending the Motor Accident Insurance Regulation 2018, s 8 and sch 3).

⁸ The statutory insurance scheme levy funds the costs of administering the *Motor Accident Insurance Act 1994*, including funding the operating costs of the Motor Accident Insurance Commission and research into motor vehicle accident prevention and injury mitigation.

⁹ The hospital and emergency services levy funds a reasonable proportion of the estimated cost to relevant agencies of providing public hospital and emergency services to people injured in motor vehicle accidents who are, or may be, CTP claimants.

¹⁰ The Nominal Defendant Levy funds the estimated cost to the Nominal Defendant in managing and funding compensation claims from people injured as a result of the negligent driving of an uninsured or unidentified vehicle.

¹¹ The administration fee is a fee payable to the Department of Transport and Main Roads for delivering administrative support to the CTP scheme.

¹² SL No. 22, pt 3 (amending the National Injury Insurance Scheme (Queensland) Regulation 2016, s 24 and sch 1).

¹³ The NIISQ levy funds the estimated cost of the NIISQ to provide necessary and reasonable lifetime treatment, care and support to people who sustain a serious eligible personal injury in a motor vehicle accident in Queensland, regardless of fault.

¹⁴ SL No. 22, explanatory notes, pp 1, 2.

¹⁵ SL No. 22, explanatory notes, p 2.

4.4 Human rights certificate

The human rights certificate tabled with SL No. 22 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 Proclamation No. 2 – *Queensland Veterans’ Council Act 2021*

Proclamation No. 2 made under the *Queensland Veterans’ Council Act 2021* (SL No. 26) fixes 14 April 2023 for the commencement of certain provisions of the *Queensland Veterans’ Council Act 2021*. These provisions:

... establish the Queensland Veterans’ Council’s (QVC) function to administer the Anzac Day Trust Fund under the *Anzac Day Act 1995*; amend the *Anzac Day Act 1995* to abolish the Anzac Day Trust; and transfer responsibility for the administration of the Anzac Day Trust Fund from the Anzac Day Trust to the QVC.¹⁶

5.1 Consistency with fundamental legislative principles

No FLP issues were identified.

5.2 Explanatory notes

The explanatory notes comply with part 4 of the LSA.

5.3 Compatibility with human rights

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

5.4 Human rights certificate

The human rights certificate tabled with SL No. 26 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

6 Recommendation

The committee recommends that the House notes this report.



Linus Power MP

Chair

June 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

¹⁶ SL No. 26, explanatory notes, p 1.