

Community Support and Services Committee

Report No. 45, 57th Parliament, Subordinate legislation tabled between 13 September 2023 and 30 April 2024

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 13 September 2023 and 30 April 2024. 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 (FLP)
- its compatibility with human rights
- its lawfulness.

It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA), and the human rights certificates with the *Human Rights Act 2019* (HRA).

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
33	Public Records (Commission of Inquiry to Examine DNA Project 13 Concerns) Amendment Regulation 2024	16 April 2024	21 August 2024
42	Proclamation – <i>Path to Treaty Act 2023</i> (commencing remaining provisions)	30 April 2024	11 September 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



In relation to the Public Records (Commission of Inquiry to Examine DNA Project 13 Concerns) Amendment Regulation 2024, and to the Proclamation – *Path to Treaty Act 2023*, the committee is satisfied that the subordinate legislation raises no FLP issues and is compatible with human rights.

The committee considers that:

- the explanatory notes tabled with the subordinate legislation noted in this report comply with the requirements of s 24 of the LSA
- 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 the HRA
- no issues of FLP were identified.

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

The following sections provide a brief overview of the subordinate legislation.

4 Public Records (Commission of Inquiry to Examine DNA Project 13 Concerns) Amendment Regulation 2024

Public Records (Commission of Inquiry to Examine DNA Project 13 Concerns) Amendment Regulation 2024 (SL No. 33) relates to the public records of the Commission of Inquiry to Examine DNA Project 13 Concerns (the Commission).

The Commission was enacted under the *Commissions of Inquiry Act 1950* and was prescribed as a public authority under the *Public Records Act 2002* (PR Act). Upon dissolution, the Commission ceased to exist as a public authority. SL No. 120 amends the Public Records Regulation 2014 (the Regulation) to preserve the Commission as a public authority.

When a public authority ceases to exist, a new relevant public authority is prescribed through the Regulation.¹ SL No. 33 proposes to assign a ‘relevant public authority’ in Schedule 1 of the Regulation, and a ‘responsible public authority’ in Schedule 2. For both, it proposes to assign ‘the department in which the *Commissions of Inquiry Act 1950* is administered’. This is currently the Department of Justice and Attorney-General.

SL No. 33 supports the policy objectives of the PR Act and ensures the Commission’s public records remain in the control of a public authority. As such, the public authority has obligations relating to the custody, preservation, and access to the records.²

5 Proclamation – Path to Treaty Act 2023 (commencing remaining provisions)

The Proclamation — *Path to Treaty 2023* (SL No. 42) made under the *Path to Treaty Act 2023* (Act) fixes a commencement date of 26 April 2024 for provisions of the Act that are not yet in force.

The purpose of the Act is to:

- establish the First Nations Treaty Institute to develop and provide a framework for Aboriginal peoples, Torres Strait Islander peoples and the State to enter into treaty negotiations, and support Aboriginal peoples and Torres Strait Islander peoples to participate in treaty negotiations; and
- provide for the establishment of the Truth-telling and Healing Inquiry to inquire into, and report on, the impacts of colonisation on Aboriginal peoples, Torres Strait Islander peoples and the history of Queensland.³

The Act, once commenced, will provide for the establishment of the First Nations Treaty Institute, the Truth-telling and Healing Inquiry, and the appointment of members to these bodies.⁴

6 Recommendation

The committee recommends that the Legislative Assembly notes this report.



Adrian Tantari MP

Chair

July 2024

Community Support and Services Committee

Chair Mr Adrian Tantari MP, Member for Hervey Bay
Deputy Chair Mr Stephen Bennett MP, Member for Burnett
Members Mr Michael Berkman MP, Member for Maiwar
Dr Mark Robinson MP, Member for Oodgeroo

Ms Cynthia Lui MP, Member for Cook
Mr Robert Skelton MP, Member for Nicklin

¹ SL No. 33, Explanatory notes, p 1.

² SL No. 33, Explanatory notes, p 2.

³ SL No. 42, Explanatory notes, p 1.

⁴ SL No. 42, Explanatory notes, p 1.