

Clean Economy Jobs, Resources and Transport Committee

Report No. 5, 57th Parliament

Subordinate legislation tabled between 19 March 2024 and 10 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 19 March 2024 and 10 April 2024. 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.	Subordinate legislation	Date tabled	Disallowance date*
171	Transport and Other Legislation Amendment Regulation (No. 2) 2023	13 February 2024	2 May 2024
176	Sustainable Ports Development Amendment Regulation 2023	13 February 2024	2 May 2024
185	Mining and Quarrying Safety and Health Amendment Regulation 2023	13 February 2024	2 May 2024

* 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

The committee did not identify any issues regarding the policy, consistency with fundamental legislative principles, the lawfulness of the subordinate legislation or non-compliance with the HRA.

The committee considers the explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the LSA and that 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 their compatibility with the HRA.

4 Transport and Other Legislation Amendment Regulation (No. 2) 2023

The Transport and Other Legislation Amendment Regulation (No. 2) 2023 (SL No. 171) amends the following regulations:

¹ *Legislative Standards Act 1992*, Part 4.

² *Human Rights Act 2019*, s 41.

- State Penalties Enforcement Regulation 2014 (SPE Regulation)
- Traffic Regulation 1962
- Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018
- Transport Operations (Marine Safety) Regulation 2016
- Transport Operations (Road Use Management - Vehicle Standards and Safety) Regulation 2021.

State Penalties Enforcement Regulation 2014

After the Public Marine Facilities Regulation was updated in 2023, three infringement notice offences under the Transport Infrastructure (Public Marine Facilities) Regulation 2011, were not included. They were omitted as further consideration of their suitability as infringement notices was required. These offences are now being added into the SPE Regulation as infringement notice offences.³

Traffic Regulation 1962

A recent amendment to the Traffic Regulation 1962 added a new photographic detection device and provided an example data block. A data block is the writing made by a photographic detection device associated with an image made by the device. SL No. 171 amends a data block example so that it is more realistic.⁴

Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018

The transport of dangerous goods by rail is regulated under the Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018 (Dangerous Goods by Rail Regulation) and includes compliance checks conducted by authorised persons. The term 'authorised person' is used consistently throughout the Dangerous Goods by Rail Regulation, except for one provision which refers to an 'authorised officer'. SL No. 171 replaces 'authorised officer' with 'authorised person'.⁵

Transport Operations (Marine Safety) Regulation 2016

SL No 171 will remove a specific exemption to carrying lifejackets when operating in smooth waters (so the lifejacket requirement will apply in all smooth waters).⁶

Transport Operations (Road Use Management - Vehicle Standards and Safety) Regulation 2021

An owner of a registered vehicle must have an inspection certificate in effect before they can dispose of a vehicle to another person. Certain remote areas in Queensland are exempt from the requirement to have a safety certificate if the vehicle is not garaged within 50km of an authorised inspection station for the vehicle type. Mareeba Shire was previously part of the Tablelands Region and was included as an exempt area. Mareeba Shire chose to leave the Tablelands Region and re-establish as its own shire. This de-amalgamation resulted in the need for SL No. 171 to include Mareeba Shire as an exempt area.⁷

SL No. 171 is also simplifying the approval criteria for motorbike modifications by removing the requirement that the modification is reasonably needed or likely to benefit the community.⁸

³ SL No. 171, Explanatory notes, pp 1-2.

⁴ SL No. 171, Explanatory notes, p 4.

⁵ SL No. 171, Explanatory notes, p 4.

⁶ SL No. 171, Explanatory notes, p 5.

⁷ SL No. 171, Explanatory notes, p 3.

⁸ SL No. 171, Explanatory notes, p 5.

5 Sustainable Ports Development Amendment Regulation 2023

The Sustainable Ports Development Amendment Regulation 2023 (SL No. 176) amends the Sustainable Ports Development Regulation 2018 to:

- approve the master planned areas for the ports of Hay Point and Mackay and Port of Abbot Point
- finalise the master planned areas for all priority ports named under section 5 of the *Sustainable Ports Development Act 2015*.

According to the explanatory notes, SL No. 176 provides an 'efficient and effective means for long-term planning for priority ports and a strategic and coordinated approach to managing economic, environmental, cultural and social values in the Great Barrier Reef World Heritage Area'.⁹

6 Mining and Quarrying Safety and Health Amendment Regulation 2023

The objective of the Mining and Quarrying Safety and Health Amendment Regulation 2023 (SL No. 185) is to amend the Mining and Quarrying Safety and Health Regulation 2017 (the MQSH Regulation) to set specific exposure limits of 5mg/m³ for welding fumes and 0.05mg/m³ for respirable crystalline silica. SL No. 185 also provides for diesel particulate matter to be excluded from the application of the Workplace exposure standards for airborne contaminants.¹⁰

7 Recommendation

The committee recommends that the House notes this report.



Kim Richards MP

Chair

April 2024

Clean Economy Jobs, Resources and Transport Committee

Chair	Ms Kim Richards MP, Member for Redlands
Deputy Chair	Mr Pat Weir MP, Member for Condamine
Members	Mr Bryson Head MP, Member for Callide
	Ms Joan Pease MP, Member for Lytton
	Mr Les Walker MP, Member for Mundingburra
	Mr Trevor Watts MP, Member for Toowoomba North
	Ms Jess Pugh MP, Member for Mount Ommaney
	(substitute Member from 19 March 2024 to 8 April 2024)

⁹ SL No. 176, Explanatory notes, p 2.

¹⁰ SL No. 185, Explanatory notes, p 1.