

**Portfolio subordinate legislation tabled
between 19 May 2015 and 14 July 2015**

Report No. 7, 55th Parliament
**Communities, Disability Services and Domestic
and Family Violence Prevention Committee**
October 2015

Communities, Disability Services and Domestic and Family Violence Prevention Committee

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1. Introduction

Role of the Committee

The Communities, Disability Services and Domestic and Family Violence Prevention Committee (the Committee) is a portfolio committee of the Legislative Assembly established on 27 March 2015 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.¹

The Committee's primary areas of responsibility include:

- Communities, Women, Youth, Child Safety and Multicultural Affairs
- Domestic and Family Violence Prevention, and
- Disability Services and Seniors.²

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each Bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles, and
- for subordinate legislation – its lawfulness.

The Committee's responsibilities also include monitoring the operation of the *Statutory Instruments Act 1992* as it relates to subordinate legislation. The Committee reports to the Legislative Assembly on all subordinate legislation it has considered.

Aim of this report

This report summarises the Committee's examination of subordinate legislation tabled between 19 May 2015 and 14 July 2015. It reports on fundamental legislative principles issues identified by the Committee and the Explanatory Notes' compliance with the *Legislative Standards Act 1992*.

2. Subordinate legislation examined

This report advises of subordinate legislation examined and, where applicable, presents any concerns the Committee has identified in respect of subordinate legislation tabled between 19 May 2015 and 14 July 2015. The relevant legislation is summarised in the table below.

No.	Subordinate Legislation	Tabled Date	Disallowance Date
65	Adoption Amendment Regulation (No.1) 2015	14 July 2015	11 November 2015
66	Disability Services Amendment Regulation (No.1) 2015	14 July 2015	11 November 2015

Adoption Amendment Regulation (No.1) 2015

The Adoption Amendment Regulation (No.1) 2015 (the Regulation) amends the Adoption Regulation 2009 to increase adoption service fees by 3.5 per cent from 1 July 2015, in line with the *Queensland Government Principles for Fees and Charges*.

1 *Parliament of Queensland Act 2001*, section 88 and Standing Rules and Orders of the Legislative Assembly, Standing Order 194

2 Standing Rules and Orders of the Legislative Assembly, Schedule 6

Fundamental legislative principles

The Committee did not identify any issues regarding consistency with fundamental legislative principles or the lawfulness of the Regulation.

Explanatory Notes

The Explanatory Notes tabled with the Regulation comply with section 24 of the *Legislative Standards Act 1992*.

Disability Services Amendment Regulation (No.1) 2015

The Disability Services Amendment Regulation (No.1) 2015 (the Regulation) amends the Disability Services Regulation 2006 to:

- specify the reporting requirements on the use of *restrictive practices*³ by *relevant service providers*⁴
- increase criminal history screening fees by 3.5 per cent from 1 July 2015, in line with the *Queensland Government Principles for Fees and Charges*, and
- make consequential amendments to update references in light of amendments to the *Disability Services Act 2006*.

Fundamental legislative principles

The Committee did not identify any issues regarding consistency with fundamental legislative principles or the lawfulness of the Regulation.

Explanatory Notes

The Explanatory Notes tabled with the Regulation comply with section 24 of the *Legislative Standards Act 1992*.

3. Recommendation

The Committee has examined the policy to be given effect by the two pieces of subordinate legislation and the application of the fundamental legislative principles and lawfulness. No issues regarding consistency with fundamental legislative principles or the lawfulness of the subordinate legislation were identified.

Recommendation 1

The Committee recommends that the Legislative Assembly note the contents of this report.



Ms Leanne Donaldson MP

Chair

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3 *Restrictive practice* is defined as any of the following practices used to respond to the behaviour of an adult with an intellectual or cognitive disability that causes harm to the adult or others: containing or secluding the adult; using chemical, mechanical or physical restraint on the adult; or restricting access of the adult - *Disability Services Act 2006*, section 144

4 *Relevant service provider* is defined as a funded service provider who provides disability services to an adult with an intellectual or cognitive disability - *Disability Services Act 2006*, section 140