

**Portfolio subordinate legislation tabled  
between 14 October and 24 November  
2014**

**Report No. 2**

**Legal Affairs and Community Safety Committee**

**May 2015**

## Legal Affairs and Community Safety Committee

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## 1. Introduction

### 1.1 Role of the Committee

The Legal Affairs and Community Safety Committee (Committee) is a portfolio committee of the Legislative Assembly. It commenced on 28 March 2015 under the *Parliament of Queensland Act 2001* and the *Standing Rules and Orders of the Legislative Assembly* (Standing Orders).<sup>1</sup>

The Committee's primary areas of responsibility include the portfolio areas of:

- Justice and Attorney-General
- Police
- Fire and Emergency Services
- Training and Skills.

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 to the legislation
- for subordinate legislation – its lawfulness.

In considering the application of fundamental legislative principles and lawfulness, portfolio committees consider advice about similar situations issued by the former Parliamentary Scrutiny of Legislation Committee, which undertook this function prior to the commencement of standing portfolio committees in 2011; and from the Office of Queensland Parliamentary Counsel, which has statutory responsibility for advising on the application of FLPs to proposed legislation.

### 1.2 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 14 October and 28 October 2014. The relevant legislation is summarised in the table below.

#### Subordinate legislation tabled in the 54<sup>th</sup> Parliament

SL No.	Subordinate Legislation	Tabled Date	Disallowance Date
207	Proclamation - Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014	14/10/2014	6 May 2015
208	Child Protection (Offender Reporting) and Other Legislation Amendment Regulation (No.1) 2014	14/10/2014	6 May 2015
213	Lotteries Amendment Regulation (No.1) 2014	14/10/2014	6 May 2015
214	Land Sales Amendment Regulation (No.2) 2014	14/10/2014	6 May 2015
224	Proclamation - Safe Night Out Legislation Amendment Act 2014	14/10/2014	6 May 2015
225	Safe Night Out Legislation Amendment Regulation (No.1) 2014	14/10/2014	6 May 2015
229	Gaming Legislation Amendment Regulation (No.2) 2014	14/10/2014	6 May 2015

<sup>1</sup> Parliament of Queensland Act 2001, section 88 and Standing Rules and Orders of the Legislative Assembly, Standing Order 194.

SL No.	Subordinate Legislation	Tabled Date	Disallowance Date
239	Youth Justice Amendment Regulation (No.3) 2014	28/10/2014	20 May 2015

## 2. Subordinate legislation examined

Unless expressly noted below, the committee found no issues of fundamental legislative principle or lawfulness.

### 2.1 SL 239 - Youth Justice Amendment Regulation (No.3) 2014

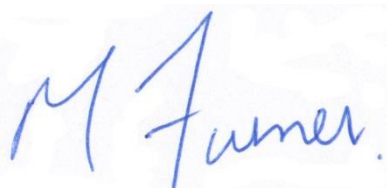
The committee notes that, in prescribing geographic locations in which mandatory boot camp orders must be made for vehicle offending, the Amending Regulation removes judicial discretion in relation to sentencing in those areas. An independent judiciary is an essential element of a parliamentary democracy based on the rule of law.

The committee also notes the observations of His Honour Judge Michael Shanahan, President of the Children's Court of Queensland, in His Honour's report to the then Attorney-General for 2013-14 on the administration and operation of the court. With reference to the making of mandatory boot camp orders for recidivist motor vehicle offenders in Townsville, His Honour noted the extremely unusual nature of making such orders based on geographical considerations. He stated that the offenders could be dealt with by arrest and charge, and serious repeat offenders sentenced to detention. His Honour considered mandatory orders to be a discriminatory penalty which could lead to injustice.

The current government has announced it will review boot camps and other juvenile justice measures. The committee is not aware of the timing of this review.

#### Recommendation 1

The Committee recommends the House note the contents of this report.



Mr Mark Furner MP

**Chair**

1 May 2015