

**Portfolio subordinate legislation tabled
between 26 March 2015 and 18 May
2015**

**Report No. 1, 55th Parliament
Communities, Disability Services and Domestic
and Family Violence Prevention Committee
May 2015**

Communities, Disability Services and Domestic and Family Violence Prevention Committee

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1. Introduction

1.1 Role of the Committee

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

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

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

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; and
- for subordinate legislation – its lawfulness.

In considering the application of fundamental legislative principles (FLPs) 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 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 26 March 2015 and 18 May 2015. The relevant legislation is summarised in the table below.

Subordinate legislation tabled in the 55th Parliament

SL No.	Subordinate Legislation	Tabled Date	Disallowance Date
284	Proclamation made under the <i>Child Protection Reform Amendment Act 2014</i>	26 May 2015	17 July 2015

2. Subordinate legislation examined

The Committee found no issues of fundamental legislative principles or lawfulness.

2.1 SL 284 – Proclamation made under the *Child Protection Reform Amendment Act 2014*

The object of SL 284 is to fix a commencement date of 19 January 2015 for certain provisions of the *Child Protection Reform Amendment Act 2014*. The commencing provisions (section 2(3)) “implement some of the recommendations of the Commission of Inquiry to reduce demand on Queensland’s statutory child protection system. Specifically, the provisions consolidate mandatory reporting obligations into the Child Protection Act 1999, provide guidance to any individual considering

¹ [Parliament of Queensland Act 2001](#), section 88 and [Standing Rules and Orders of the Legislative Assembly](#), Standing Order 194.

whether to report concerns to Child Safety and enable prescribed entities to directly refer children and families to support services to prevent them from entering the child protection system.”²

The explanatory notes state:

Section 2(3) was included in the Act in response to issues raised by stakeholders regarding commencement of the provisions regulating reporting concerns about children to Child Safety.

Concerns were expressed that if the proposed changes to reporting commenced on 1 July 2014, stakeholders may not have had the capacity to develop and implement relevant processes and training by commencement.

During consultation it was agreed these provisions would commence in early 2015 to allow sufficient time to deliver information, training and tools to help stakeholders understand their reporting obligations under the new provisions.³

The explanatory notes tabled with the proclamation generally comply with part 4 of the *Legislative Standards Act 1992*, although they do not include the “Short Title” in accordance with section 24(1)(a) of the *Legislative Standards Act 1992*. The Committee notes that section 25 of the *Legislative Standards Act 1992* provides that failure to comply with part 4 of the Act does not affect the validity of the legislation.

Recommendation 1

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



Ms Leanne Donaldson MP

Chair

20 May 2015

² Explanatory Notes, [Child Protection Reform Amendment Act 2014](#), pages 1-2.

³ Explanatory Notes, [Child Protection Reform Amendment Act 2014](#), pages 2-3.