

**Portfolio subordinate legislation tabled
between 13 January 2015 and
5 May 2015**

Report No. 4, 55th Parliament
Legal Affairs and Community Safety Committee
July 2015

Legal Affairs and Community Safety Committee

Chair	Mr Mark Furner MP, Member for Ferny Grove
Deputy Chair	Mrs Tarnya Smith MP, Member for Mt Ommaney
Members	Mr Jon Krause MP, Member for Beaudesert Mr Jim Madden MP, Member for Ipswich West Mr Tony Perrett MP, Member for Gympie Mr Mark Ryan MP, Member for Morayfield
Committee Staff	Ms Bernice Watson, Research Director Ms Kelli Longworth, Principal Research Officer Mr Gregory Thomson, Principal Research Officer Ms Lorraine Bowden, Executive Assistant
Technical Scrutiny Secretariat	Ms Renée Easten, Research Director Mr Michael Gorringer, Principal Research Officer Ms Kellie Moule, Principal Research Officer Ms Tamara Vitale, Executive Assistant
Contact details	Legal Affairs and Community Safety Committee Parliament House George Street Brisbane Qld 4000
Telephone	+61 7 3553 6641
Fax	+61 7 3553 6639
Email	lacsc@parliament.qld.gov.au
Web	www.parliament.qld.gov.au/lacsc

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 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:

- 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 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 13 January 2015 and 5 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
1	Electoral Amendment Regulation (No. 1) 2015	13/01/2015	14 July 2015
277	State Penalties Enforcement Amendment Regulation (No.1) 2014	26/03/2015	17 July 2015
280	Police Powers and Responsibilities Amendment Regulation (No.1) 2014	26/03/2015	17 July 2015
284	<i>Proclamation made under the</i> Child Protection Reform Amendment Act 2014	26/03/2015	17 July 2015
294	Professional Standards (CPA Australia Limited Professional Standards Scheme) Notice (No.2) 2014	26/03/2015	17 July 2015
296	Building Fire Safety Amendment Regulation (No.1) 2014	26/03/2015	17 July 2015
297	Births, Deaths and Marriages Registration Amendment Regulation (No.1) 2014	26/03/2015	17 July 2015
312	Legal Profession Amendment Regulation (No.1) 2014	26/03/2015	17 July 2015
314	Security Providers Amendment Regulation (No. 1) 2014	26/03/2015	17 July 2015

¹ 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
315	Wagering Amendment Regulation (No. 1) 2014	26/03/2015	17 July 2015
317	<i>Proclamation made under the Safe Night Out Legislation Amendment Act 2014</i>	26/03/2015	17 July 2015
318	Liquor Amendment Regulation (No. 5) 2014	26/03/2015	17 July 2015
319	Liquor and Another Regulation Amendment Regulation (No. 1) 2014	26/03/2015	17 July 2015
320	Uniform Civil Procedure and another rule Amendment Rule (No. 1) 2014	26/03/2015	17 July 2015
321	<i>Proclamation made under the Justice and Other Legislation Amendment Act 2013</i>	26/03/2015	17 July 2015
322	Domestic and Family Violence Protection Rules 2014	26/03/2015	17 July 2015
323	State Penalties Enforcement Amendment Regulation (No. 2) 2014	26/03/2015	17 July 2015
326	Weapons Legislation Amendment Regulation (No. 1) 2014	26/03/2015	17 July 2015
344	Legal Profession (Society Rules) Amendment Notice (No. 2) 2014	26/03/2015	17 July 2015
7	Public Trustee Amendment Regulation (No.1) 2015	05/05/2015	16 September 2015
15	Queensland Civil and Administrative Tribunal Amendment Regulation (No.1) 2015	05/05/2015	16 September 2015
16	Penalties and Sentences Amendment Regulation (No.1) 2015	05/05/2015	16 September 2015
17	Public Trustee Amendment Regulation (No.2) 2015	05/05/2015	16 September 2015
22	Legal Profession (Society Rules) Amendment Notice (No.1) 2015	05/05/2015	16 September 2015

2. Subordinate legislation examined

The committee reports on the following policy, fundamental legislative principle or lawfulness issues:

2.1 SL 317 – *Proclamation made under the Safe Night Out Legislation Amendment Act 2014*

The committee noted an apparent error in the Explanatory Notes to the proclamation. The proclamation states 19 December 2014 as the commencement date for certain provisions of the *Safe Night Out Legislation Amendment Act 2014*. The Explanatory Notes state the commencement date as 12 December 2014. This occurs in the first paragraph under “Policy objectives and reasons for them” and the first paragraph under “Achievement of Policy Objectives”. The committee has written to the relevant department accordingly.

2.2 Communities, Disability Services and Domestic and Family Violence Prevention Committee

The committee notes the potential relevance of the subject matter of subordinate legislation 284, 321 and 322 of 2014 to the portfolio of the Communities, Disability Services and Domestic and Family Violence Prevention Committee (CDSDFVP Committee). The committee invited the CDSDFVP Committee to provide written comment on any matters relating to domestic and family violence.

In its written response to the committee dated 10 June 2015, the CDSDFVP Committee advised:

- no potential issues of fundamental legislative principle were observed in subordinate legislation 284 or 321; and
- it was satisfied as to the justification for the potential breach of the fundamental legislative principle that subordinate legislation should contain only matters appropriate to that level of legislation (section 4(5)(c) of the *Legislative Standards Act 1992*), which had been identified in subordinate legislation 322, Domestic and Family Violence Protection Rules 2014, rule 24 – authorising a court order or direction to override statutory rules.

Recommendation 1

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



Mr Mark Furner MP

Chair

6 July 2015