

**Subordinate legislation tabled
between 27 March and
2 June 2015**

**Report No. 3, 55th Parliament
Education, Tourism and Small Business
Committee**

July 2015

Education, Tourism and Small Business Committee

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1 Introduction

Role of the Committee

The Education, Tourism and Small Business Committee (the committee) is a portfolio committee established by the Legislative Assembly on 27 March 2015.¹ It consists of government and non-government members. The committee's primary areas of responsibility are education, tourism, major events, small business and the Commonwealth Games.

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 area to consider:

- a) the policy to be given effect by the legislation
- b) the application of fundamental legislative principles to the legislation
- c) 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 27 March and 2 June 2015. It reports on fundamental legislative principle issues identified by the committee and the Explanatory Notes' compliance with the *Legislative Standards Act 1992*.

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
10	<i>Commonwealth Games Arrangements Amendment Regulation (No. 1) 2015</i>	5 May 2015	16 September 2015
27	<i>Major Events (Townsville 400) Regulation 2015</i>	2 June 2015	28 October 2015

Commonwealth Games Arrangements Amendment Regulation 2015

The Commonwealth Games Arrangements Regulation 2013 (the regulation) brings Gold Coast 2018 Commonwealth Games (Games) references and images under the protection of the *Commonwealth Games Arrangements Act 2011*.

When the regulation was first drafted, the term "Legacy 2018" was included as a protected Games reference. There is no longer a requirement to protect this term under the regulation, therefore the Commonwealth Games Arrangements Amendment Regulation (No. 1) 2015 omits the term "Legacy 2018" from Schedule 4 of the regulation.

Explanatory Notes

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

Fundamental legislative principles

The committee did not identify any issues regarding consistency with fundamental legislative principles or the lawfulness of the Commonwealth Games Arrangements Amendment Regulation (No. 1) 2015.

¹ *Parliament of Queensland Act 2001*, s88 and Standing Order 194

Major Events (Townsville 400) Regulation 2015

The purpose of the Major Events (Townsville 400) Regulation 2015 (Townsville 400 Regulation) is to facilitate the “2015 Castrol EDGE Townsville 400” being held on 10-12 July 2015. The Townsville 400 regulation prescribes the car race as a major event under the *Major Events Act 2014*. It also prescribes the major event organiser, major event area, official title, major event period and periods for carrying out temporary works, and application of provisions of the Act for the event.

Explanatory Notes

The Explanatory Notes tabled with the Townsville 400 Regulation fall short of strict compliance with section 24 of the *Legislative Standards Act 1992*.

The Explanatory Notes provide a policy objective but do not give a reason for prescribing the event as a major event. Also, while the Explanatory Notes include a list of stakeholders consulted, they do not include a brief statement of the way the consultation was carried out or an outline of the results of the consultation as required by the *Legislative Standards Act 1992*.

Fundamental legislative principles

When deciding the powers that should be conferred on authorities to investigate or inquire into a matter, consideration must be given to the extent to which the power is capable of abuse or may otherwise be insufficiently sensitive to the rights and liberties of individuals.²

Section 11 provides that crowd controllers will be authorised persons for the event. The crowd controllers must be licenced crowd controllers under the *Security Providers Act 1993*. As authorised persons, crowd controllers have certain powers that may be exercised at the site for the duration of the event.

There is the potential for breaches of the rights and liberties of individuals as a result of actions by authorised persons, such as requests for names and addresses, bag searches and property seizure. However, the regulation places limits on authorised persons who are not police officers, and the powers provided to authorised persons in relation to the controlled area are for certain restricted time periods, for a specific purpose, and to enhance community safety.

Therefore, the committee considers that there are sufficient limitations on the powers contained in the Townsville 400 Regulation, which has sufficient regard to the fundamental legislative principles.

3 Recommendation

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

Recommendation 1

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

Scott Stewart MP
Chair

² Office of Queensland Parliamentary Counsel Notebook, p132.