

Legal Affairs and Community Safety Committee

Report No. 46, 56th Parliament

Subordinate legislation tabled between 12 June 2019 and 20 August 2019

1 Aim of this report

This report summarises the committee’s findings following its examination of the subordinate legislation within its portfolio areas tabled between 12 June 2019 and 20 August 2019. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992*.

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
97	Proclamation made under the <i>Human Rights Act 2019</i> (commencing certain provisions)	20 August 2019	24 October 2019
102	Weapons and Other Legislation (Fees) Amendment Regulation 2019	20 August 2019	24 October 2019
105	Justice Legislation (Fees) Amendment Regulation 2019	20 August 2019	24 October 2019
110	Fire and Emergency Services Legislation (Fees) Amendment Regulation 2019	20 August 2019	24 October 2019
113	Civil Liability and Other Legislation (Prescribed Amounts) Amendment Regulation 2019	20 August 2019	24 October 2019
114	Public Guardian (NDIS) Amendment Regulation 2019	20 August 2019	24 October 2019
115	Proclamation No. 1 made under the <i>Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019</i> (commencing certain provisions)	20 August 2019	24 October 2019
122	State Penalties Enforcement (Plumbing and Drainage and Other Matters) Amendment Regulation 2019	20 August 2019	24 October 2019
130	Fire and Emergency Services (Levy Groups) Amendment Regulation 2019	20 August 2019	24 October 2019
134	Proclamation No. 1 made under the <i>Queensland Civil and Administrative Tribunal and Other Legislation Amendment Act 2019</i> (commencing certain provisions)	20 August 2019	24 October 2019
135	Uniform Civil Procedure (Referees) Amendment Rule 2019	20 August 2019	24 October 2019

138	Proclamation No. 2 made under the <i>Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019</i> (commencing certain provisions)	20 August 2019	24 October 2019
142	State Buildings Protective Security Amendment Regulation 2019	20 August 2019	24 October 2019
145	Professional Standards (Australian Property Institute Valuers Limited Scheme) Amendment Notice 2019	20 August 2019	24 October 2019

3 Committee consideration of the subordinate legislation

No significant issues regarding policy, consistency with fundamental legislative principles or the lawfulness of the subordinate legislation were identified.

The committee notes that Mr Lachlan Millar MP gave notice to the House on 22 August 2019 of his intention to move that the Fire and Emergency Services (Levy Groups) Amendment Regulation 2019 be disallowed.

The explanatory notes tabled with the regulations comply with the requirements of section 24 of the *Legislative Standards Act 1992* apart from the explanatory notes discussed below.

4 SL 122 - State Penalties Enforcement (Plumbing and Drainage and Other Matters) Amendment Regulation 2019

4.1 Explanatory notes

Under the heading *Consistency with fundamental legislative principles*, the explanatory notes state:

The Amendment Regulation has been drafted in accordance with fundamental legislative principles as defined in section 4 of the Legislative Standards Act 1992.

The requirements for explanatory notes set out in Part 4 of the Legislative Standards Act 1992 require explanatory notes to include:

... a brief assessment of the consistency of the legislation with fundamental legislative principles and, if it is inconsistent with fundamental legislative principles, the reasons for the inconsistency.

Arguably, the statement in the explanatory notes only impliedly addresses the issue of consistency with fundamental legislative principles.

The explanatory notes otherwise comply with the requirements in part 4.

5 Recommendation

The committee recommends that the House notes this report.



Peter Russo MP

Chair

September 2019

Legal Affairs and Community Safety Committee

Chair	Mr Peter Russo MP, Member for Toohey, Chair
Deputy Chair	Mr James Lister MP, Member for Southern Downs, Deputy Chair
Members	Mr Stephen Andrew MP, Member for Mirani
	Mr Jim McDonald MP, Member for Lockyer
	Mrs Melissa McMahon MP, Member for Macalister
	Ms Corrine McMillan MP, Member for Mansfield