

## Economics and Governance Committee

Report No. 47, 57th Parliament

Subordinate legislation tabled between  
19 April 2023 and 23 May 2023

### 1 Aim of this report

This report summarises the findings of the Economics and Governance Committee (committee) following our examination of the subordinate legislation within our portfolio areas tabled between 19 April 2023 and 23 May 2023.

It reports on any identified issues relating to the policy to be given effect by the legislation, its consistency with fundamental legislative principles (FLPs),<sup>1</sup> its compatibility with human rights<sup>2</sup> and its lawfulness.<sup>3</sup>

It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA)<sup>4</sup> and on our consideration of the compliance with the *Human Rights Act 2019* (HRA) of the human rights certificates tabled with the subordinate legislation.<sup>5</sup>

### 2 Subordinate legislation examined

| No. | Subordinate legislation                                  | Date tabled | Disallowance date* |
|-----|--|-------------|--------------------|
| 38  | Acts Interpretation (Fee Unit) Amendment Regulation 2023 | 23 May 2023 | 11 October 2023    |

\*The disallowance date is 14 sitting days after the tabling date. (See section 50 of the *Statutory Instruments Act 1992*.) Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

### 3 Committee consideration of the subordinate legislation

No significant issues were identified by the committee regarding the policy, consistency with FLPs, lawfulness, or compatibility with human rights of the subordinate legislation.

We consider that the explanatory notes tabled with the subordinate legislation comply with the requirements of part 4 of the LSA. Further, while the committee considered potential human rights impacts not contemplated in the human rights certificate, we were satisfied that the certificate provides a sufficient level of information to facilitate an understanding of the subordinate legislation in relation to its compatibility with the HRA.

A brief overview of the subordinate legislation is provided below.

<sup>1</sup> *Legislative Standards Act 1992* (LSA) s 4.

<sup>2</sup> *Human Rights Act 2019* (HRA) s 8.

<sup>3</sup> *Parliament of Queensland Act 2001* (POQA) s 93.

<sup>4</sup> LSA, Part 4.

<sup>5</sup> HRA, s 41.

## 4 Acts Interpretation (Fee Unit) Amendment Regulation 2023

In 2021, the Queensland Government introduced a fee unit model<sup>6</sup> which:

- converted state government agencies' regulated fees to a number of fee units
- streamlined the annual process of indexing regulatory fees, by providing for the indexing of the fee unit, rather than amendment of individual fees across hundreds of pages of regulation each year.<sup>7</sup>

The Acts Interpretation (Fee Unit) Amendment Regulation 2023 (SL No. 38) serves to effect the annual indexation of fees, by providing for an increase in the value of a fee unit, from \$1.025 to \$1.060 from 1 July 2023.<sup>8</sup>

This represents an increase of 3.4 per cent, in line with the Government Indexation Rate (GIR).<sup>9</sup> The GIR has been set at this level to align with wages growth rather than inflation (to which it has traditionally been indexed),<sup>10</sup> recognising that inflation had increased to more than double this rate by March 2023.<sup>11</sup>

### 4.1 Consistency with fundamental legislative principles

No FLP issues were identified.

### 4.2 Explanatory notes

The explanatory notes comply with part 4 of the LSA.

### 4.3 Compatibility with human rights and human rights certificate

The human rights certificate asserts that SL No. 38 is 'merely an administrative mechanism to enable the regulatory fee unit model to be implemented', and that the fee unit model 'only regulates internal government bodies, not individuals'. On this basis, it concludes that 'no human rights are engaged by the Regulation'.<sup>12</sup>

While SL No. 38 itself does simply raise the value of a fee unit, that increase applies to regulations which do impact individuals.<sup>13</sup> The increase will mean, for example, that offenders will have to pay a higher levy on being sentenced,<sup>14</sup> and it will be more expensive for a person to apply for a tattoo licence.<sup>15</sup>

While it could therefore be suggested that the subordinate legislation potentially interacts with the human right to property (including money) recognised in section 24 of the HRA, it can also be noted:

- The right to property is not absolute, with the HRA rather providing (in section 24(2)) that a person must not be *arbitrarily* deprived of their property. The fee unit increase is not arbitrary.
- The increase is less than the rate of inflation.

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<sup>6</sup> In amendments to the *Acts Interpretation Act 1954* implemented by the *Debt Reduction and Savings Act 2021*.

<sup>7</sup> See Debt Reduction and Savings Bill 2021, explanatory notes, p 3.

<sup>8</sup> Apart from the Acts specified in the schedule to the Acts Interpretation (Fee Unit) Regulation 2022, which have a different indexation date. For the Acts in the schedule, the value increases from \$1.025 to \$1.060 on the dates specified in s 5 of SL No. 38.

<sup>9</sup> SL No. 38, explanatory notes, p 1.

<sup>10</sup> Hon Cameron Dick MP, Treasurer, 'Government fees and charges to be cut in real terms', Ministerial Media Statement, 31 March 2023, <https://statements.qld.gov.au/statements/97485>.

<sup>11</sup> For the year to 31 March 2023, Brisbane recorded an annual increase in its Consumer Price Index (CPI) increase of 7.4 per cent, while the rate of increase in the national CPI reached 7.0 per cent. See Queensland Government Statistician's Office, 'Consumer Price Index, March quarter 2023', p 1, <https://www.qgso.qld.gov.au/issues/3441/consumer-price-index-202303.pdf>

<sup>12</sup> SL No. 38, human rights certificate, p 1.

<sup>13</sup> Prior to the inclusion of s 48B in the *Acts Interpretation Act 1954*, regulations were individually amended to provide for the indexation of fees.

<sup>14</sup> Penalties and Sentences Regulation 2015, s 10; *Penalties and Sentences Act 1992*, s 179C.

<sup>15</sup> Tattoo Industry Regulation 2013, s 4, sch 1.

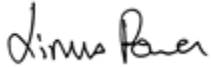
Committee comment

While we note the fee unit increase will ultimately impact individuals, we also note that the increase is not arbitrary, but rather, is set at the GIR, which is less than the rate of inflation.

The committee accepts the conclusion of the Treasurer in the human rights certificate that SL No. 38 does not limit human rights. We note that the regulation effects the annual amendments required to index the value of fees and is of a routine administrative nature, as per the Treasurer's characterisation.

**5 Recommendation**

The committee recommends that the House notes this report.



Linus Power MP

**Chair**

**July 2023**

**Economics and Governance Committee**

**Chair**

**Deputy Chair**

**Members**

Mr Linus Power MP, Member for Logan

Mr Ray Stevens MP, Member for Mermaid Beach

Mr Michael Crandon MP, Member for Coomera

Mrs Melissa McMahon MP, Member for Macalister

Mr Daniel Purdie MP, Member for Ninderry

Mr Adrian Tantari MP, Member for Hervey Bay