

Community Support and Services Committee

Report No. 32, 57th Parliament

Subordinate legislation tabled between 22 February 2023 and 18 April 2023

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 22 February 2023 and 18 April 2023. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles (FLPs) and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).¹

The report outlines the committee's consideration of compliance with the *Human Rights Act 2019* (HRA) and the human rights certificates tabled with the subordinate legislation.²

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
21	Public Records (Commission of Inquiry into Forensic DNA Testing in Queensland) Amendment Regulation 2023	18 April 2023	23 August 2023

*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

The committee did not identify any issues regarding the policy, consistency with FLPs or the lawfulness of the subordinate legislation. The committee considers that the explanatory notes tabled with the subordinate legislation comply with the requirements of s 24 of the LSA.

The committee is satisfied that the relevant provisions have sufficient regard to the rights and liberties of individuals in the circumstances, and that any associated human rights limitations are reasonable and demonstrably justifiable.

The human rights certificate tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.³

¹ *Legislative Standards Act 1992* (LSA), Part 4.

² *Human Rights Act 2019*, s 41.

³ *Human Rights Act 2019*, s 41.

4 Public Records (Commission of Inquiry into Forensic DNA Testing in Queensland) Amendment Regulation 2023 (SL No. 21-2023)

The objective of the Public Records (Commission of Inquiry into Forensic DNA Testing in Queensland) Amendment Regulation 2023 (SL No. 21-2023) is to prescribe the Department of Justice and Attorney-General (DJAG) as the relevant and responsible public authority for public records of the Commission of Inquiry into Forensic DNA Testing in Queensland (the Commission).⁴

The Commission was established by *Commissions of Inquiry Order (No. 3) 2022*, issued by the Governor in Council, under the *Commission of Inquiry Act 1950*.⁵

The Commission was a public authority under the *Public Records Act 2002*.

The Commission ceased to exist as a public authority on 13 December 2022 when it provided its final report to the Premier and Minister for the Olympic and Paralympic Games, the Minister for Health and Ambulance Services and the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence.⁶

The amendments contained in SL No. 21-2023 make provision for DJAG to take responsibility for records of the Commission as the relevant public authority in Schedule 1 of the Public Record Regulation 2014 and the responsible public authority in Schedule 2 of the Public Record Regulation 2014.⁷

4.1 Fundamental legislative principle issues

The committee identified no FLP issues.

4.2 Explanatory notes

The committee is satisfied that the explanatory notes comply with part 4 of the LSA.

4.3 Human rights considerations

Section 8 of the *Human Rights Act 2019* (HRA) provides that a statutory provision is compatible with human rights if it does not limit a human right, or limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with Section 13 of that Act. Section 13 of the HRA provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

The committee is satisfied that the subordinate legislation is compatible with human rights.

4.4 Human rights certificate

Section 41 of the *Human Rights Act 2019* requires that the responsible Minister for the subordinate legislation must prepare a human rights certificate for the legislation.

A human rights certificate was tabled with the subordinate legislation.

The committee is of the view that the human rights certificate tabled with the subordinate legislation provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

⁴ SL No. 21-2023, explanatory notes, p 1.

⁵ *Public Records Act 2002*, sch 2.

⁶ SL No. 21-2023, explanatory notes, p 1.

⁷ SL No. 21-2023, explanatory notes, p 2.

5 Recommendation

The committee recommends that the House notes this report.



Ms Corrine McMillan MP

Chair

July 2023

Community Support and Services Committee

Chair	Ms Corrine McMillan MP, Member for Mansfield
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	Ms Cynthia Lui MP, Member for Cook
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