



QUEENSLAND PARLIAMENT **COMMITTEES**

Subordinate legislation tabled between 25 June 2025 and 26 August 2025

State Development, Infrastructure and Works Committee



Report No. 14

58th Parliament, October 2025

1 Overview

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 25 June 2025 and 26 August 2025. 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* (Legislative Standards Act).¹ The report notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (Human Rights Act) and the human rights certificates tabled with the subordinate legislation.²

1.1 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	*Disallowance date
56	Planning (Prescribed Amounts) Amendment Regulation 2025	26 August 2025	20 November 2025
65	Building Industry Fairness (Security of Payment) Amendment Regulation 2025	26 August 2025	20 November 2025
66	Plumbing and Drainage Amendment Regulation (No. 2) 2025	26 August 2025	20 November 2025
84	Economic Development (Mount Peter PDA) Amendment Regulation 2025	26 August 2025	20 November 2025
85	Economic Development (North Harbour PDA and Other Matters) Amendment Regulation 2025	26 August 2025	20 November 2025
89	Residential Tenancies and Rooming Accommodation Regulation 2025	26 August 2025	20 November 2025
92	Queensland Community Safety (Postponement) Regulation 2025	26 August 2025	20 November 2025

* Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

The committee's findings following its examination of the following subordinate legislation will be set out in a separate report, which will be tabled before the disallowance date.

No.	Subordinate legislation	Date tabled	Disallowance date
79	Proclamation – Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025	26 August 2025	20 November 2025
80	Planning (Social Impact and Community Benefit) and Other Legislation Amendment Regulation 2025	26 August 2025	20 November 2025

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

² *Human Rights Act 2019* (Human Rights Act), s 41.

86	State Development and Public Works Organisation (Bribie Island Breakthrough Emergency Works) Amendment Regulation 2025	26 August 2025	20 November 2025
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1.2 Committee consideration of the subordinate legislation

Committee Comment



The committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, the lawfulness of the subordinate legislation, or compliance with the Human Rights Act.

The committee considers that the explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the Legislative Standards Act and that the human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the Human Rights Act.

The following sections of this report provide a summary of the objectives of the subordinate legislation, consultation undertaken, and the committee's Legislative Standards Act and Human Rights Act considerations.

2 SL No. 56 – Planning (Prescribed Amounts) Amendment Regulation 2025

The Planning (Prescribed Amounts) Amendment Regulation 2025 (SL No. 56) amends the Planning Regulation 2017 (Planning Regulation) to update the prescribed amounts in Schedule 16 of the regulation to reflect the producer price index (PPI) on 1 July 2025.³ The prescribed amounts are the maximum amounts for each adopted charge for providing trunk infrastructure in relation to a development that a local government or distributor-retailer can adopt in a charges resolution.⁴ The prescribed amounts are indexed annually against the 3-yearly moving average quarterly percentage increase in the PPI.⁵

The explanatory notes observe that the Department of State Development, Infrastructure and Planning 'updates the prescribed amounts within the Planning Regulation at the start of the financial year'.⁶

³ SL No. 56, s 4; SL No. 56, explanatory notes, pp 1, 2. PPI means the Producer Price Index for construction: 6427.0 (ABS PPI) index number 3101—Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics; *Planning Act 2016*, Schedule 2.

⁴ A local government (and by agreement, a distributor-retailer) may adopt charges for providing trunk infrastructure for development by resolution (a charges resolution), see *Planning Act 2016*, ss 113-118; also SL No. 56, explanatory notes, p 1.

⁵ SL No. 56, explanatory notes, p 1.

⁶ SL No. 56, explanatory notes, p 2.

2.1 Consultation

The explanatory notes state that no consultation on SL No. 56 undertaken outside of government agencies as it 'is identified as consequential and administrative amendment changes to reduce the administrative burden related to development assessment'.⁷

The explanatory notes further state that a Summary Impact Analysis Statement 'has been prepared and will be provided to the Office of Best Practice Regulation' and published. The Department of State Development, Infrastructure and Planning self-assessed that no further regulatory impact analysis was required in relation to SL No. 56 as the proposal 'does not result in a substantive change to regulatory policy or new policy impacts on business, government or the community'.⁸



2.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

2.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.



2.4 Human Rights Act 2019

The committee concluded that SL No. 56 is compatible with human rights.

2.5 Human rights certificate

The human rights certificate tabled with SL No. 56 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

3 SL No. 65 – Building Industry Fairness (Security of Payment) Amendment Regulation 2025

The Building Industry Fairness (Security of Payment) Amendment Regulation 2025 (SL No. 65) indexes the payment claim thresholds and percentage in the Building Industry Fairness (Security of Payment) Regulation 2016 (BIF Regulation) by the Government Indexation Rate of 3.4 per cent.⁹

Adjudication application fees under the BIF Regulation, for adjudication of disputed progress payments, are charged based on the amount of the progress payment being claimed. The fees increase incrementally based on certain thresholds of progress payment values.¹⁰

According to the explanatory notes, this 'ensures the fees are not eroded over time and remain proportional to the payment claim amount'.¹¹

⁷ SL No. 56, explanatory notes, p 2.

⁸ SL No. 56, explanatory notes, p 3.

⁹ SL No. 65, explanatory notes, p 1. According to the explanatory notes (p 1), on 1 April 2025 (Decision No. 60), the Cabinet Budget Review Committee approved setting the Government Indexation Rate at 3.4 per cent for 2025-26 to 2028-29.

¹⁰ Building Industry Fairness (Security of Payment) Regulation 2016, Schedule 2; statement of compatibility, p 1; see also *Building Industry Fairness (Security of Payment) Act 2017*, s 79(2)(d).

¹¹ SL No. 65, explanatory notes, p 1.

3.1 Consultation

According to the explanatory notes, an Impact Analysis Statement approved by the Director-General of the Department of Housing and Public Works and the Minister for Housing and Public Works and Minister for Youth, indicates that the proposal is minor and machinery in nature as it relates to standard fee variations, in line with the government endorsed indexation factor.¹²



3.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

3.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.



3.4 Human Rights Act 2019

The committee concluded that SL No. 65 is compatible with human rights.

3.5 Human rights certificate

The human rights certificate tabled with SL No. 65 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

4 SL No. 66 – Plumbing and Drainage Amendment Regulation (No. 2) 2025

The Plumbing and Drainage Amendment Regulation (No. 2) 2025 (SL No. 66) amends the Plumbing and Drainage Regulation 2019 to approve the installation of urine diverting toilets (UDTs) and approve a new version of the Queensland Plumbing and Wastewater Code (QPWC) which includes minimum technical requirements for installing UDTs.¹³

A UDT is a type of toilet that separates urine from solid waste, allowing for more efficient waste management.¹⁴ The changes to the Plumbing and Drainage Regulation 2019 are to support a UDT research trial in Queensland.¹⁵

The purpose of the UDT research is to ‘bring urine processing technologies to commercial readiness and to produce new regulations and business models for the circular economy’.¹⁶ According to the explanatory notes, ‘this will add resilience to the wastewater and farming industries and will create market opportunities for new Australian technologies’.¹⁷

The new version of the QPWC is intended to ensure the health and safety of the people installing, using, repairing and maintaining UDTs.¹⁸

¹² SL No. 65, explanatory notes, p 2.

¹³ SL No. 66, ss 3, 4; SL No. 66, explanatory notes, pp 1-2.

¹⁴ SL No. 66, explanatory notes, p 1.

¹⁵ SL No. 66, explanatory notes, p 1.

¹⁶ SL No. 66, explanatory notes, p 1.

¹⁷ SL No. 66, explanatory notes, p 1.

¹⁸ SL No. 66, explanatory notes, p 2.

4.1 Consultation

The explanatory notes state that Office of Best Practice Regulation was consulted about preparation of an Impact Analysis Statement, and it was established that SL No. 66 does not increase costs or regulatory burden on business or the community.

The following agencies and organisations were also consulted and support the proposal:

- The Queensland Petroleum & Gas Inspectorate
- Queensland Urban Utilities, Griffith University, and University of Melbourne (proponents of the UDT trial)
- Master Plumbers Queensland
- Local Government Association of Queensland.¹⁹



4.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

4.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.



4.4 Human Rights Act 2019

The committee concluded that SL No. 66 is compatible with human rights.

4.5 Human rights certificate

The human rights certificate tabled with SL No. 66 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 SL No. 84 – Economic Development (Mount Peter PDA) Amendment Regulation 2025

The Economic Development (Mount Peter PDA) Amendment Regulation 2025 (SL No. 84) amends the Economic Development Regulation 2023 by declaring the Mount Peter Priority Development Area (PDA).²⁰

Declaration of the area as a PDA provides a pathway for the Minister for Economic Development Queensland (MEDQ) to undertake an integrated land use and infrastructure planning process for the area that addresses specific matters set out in the Far North Queensland Regional Plan 2009–2031 (Regional Plan).²¹

The Regional Plan identifies Mount Peter as a key growth area for the region, to be prioritised ahead of any other major greenfield developments.²² According to the explanatory notes, the PDA will facilitate ‘a streamlined planning and development framework for the proposed development of Mount Peter’.²³

¹⁹ SL No. 66, explanatory notes, p 3.

²⁰ SL No. 84, s 3. See also s 37(1) of the *Economic Development Act 2012* which provides that a regulation may declare a part of the State to be a PDA.

²¹ SL No. 84, explanatory notes, p 3.

²² SL No. 84, explanatory notes, p 2.

²³ SL No. 84, explanatory notes, p 3.

To regulate development from the time the PDA is declared until a detailed development scheme is finalised, the *Economic Development Act 2012*²⁴ (ED Act) provides that the MEDQ must make an interim land use plan (ILUP) regulating development in the entire area proposed to be declared under the PDA.²⁵

SL No. 84 provides that the ILUP will expire on 30 January 2027 (being 18 months following PDA declaration) unless a development scheme is made prior.²⁶ According to the explanatory notes, the expiry date is required for 'the proper and orderly planning, development and management of the PDA and to provide sufficient time to prepare a development scheme for the PDA'.²⁷

5.1 Consultation

The explanatory notes state that an Impact Analysis Statement has been prepared.²⁸ Consultation was undertaken with the Cairns Regional Council as the relevant local government about the PDA boundary and the ILUP, and 'a community engagement strategy will be prepared to guide the preparation and public notification of the development scheme for the PDA'.²⁹



5.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

5.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.



5.4 Human Rights Act 2019

Section 8 of the Human Rights Act 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.

Section 13 of the Human Rights Act provides that a human right may be subject to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom. Section 13 sets out a range of factors that may be relevant in deciding whether a limit on a human right is reasonable and justifiable.

The committee considered the following potential limitations on human rights in its assessment of whether SL No. 84 is compatible with the Human Rights Act.

²⁴ *Economic Development Act 2012*, s 38(2).

²⁵ SL No. 84, explanatory notes, p 3.

²⁶ SL No. 84, s 4; explanatory notes, p 3.

²⁷ SL No. 84, explanatory notes, p 3.

²⁸ SL No. 84, explanatory notes, p 4.

²⁹ SL No. 84, explanatory notes, p 4.

5.4.1 Rights to freedom of expression, to take part in public life, and to a fair hearing, and property rights

The human rights certificate raises a number of human rights issues, including the right to freedom of expression,³⁰ taking part in public life,³¹ and the right to a fair hearing.³² These rights may potentially be limited by SL No. 85 as there are fewer rights of review and appeal for decisions on development applications made under a PDA than are generally available under the *Planning Act 2016* (Planning Act).³³

The human rights certificate contends that the reduction of review and appeal rights is a necessary part of regulating development through the PDA process, which:

... allows development decisions to be made with fewer delays. This means that the benefits of proposed development are realised more quickly. It also encourages developers to undertake projects as they have a higher degree of certainty.³⁴

The human rights certificate states that the purpose of the limitations is to provide a streamlined planning and development framework for the proposed development of Mount Peter:³⁵

This will contribute to the orderly development in Far North Queensland, including increasing housing supply at a time where there is unmet demand, and increase employment opportunities in the area. The diversity of housing proposed for the Mount Peter PDA will cater to changing community needs of the wider Cairns community. The PDA will also safeguard significant biodiversity and conservation values through the protection of areas of ecological significance, waterways, and other natural values.³⁶

SL No. 84 may also limit property rights,³⁷ as the declaration of the Mount Peter PDA will result in development in the area being regulated, potentially limiting the ability of property owners in the area to use and enjoy their property.³⁸

The human rights certificate states that there is no less restrictive and reasonably available way to achieve the purpose, noting that an amendment to the Cairns Regional Council planning scheme would be 'a lengthy process and could cause delays to the delivery of housing at a time when the pressure on existing housing stock in Far North Queensland is reaching unprecedented levels'.³⁹

Although there is no requirement for public consultation under the ED Act prior to the declaration of a PDA and making of the ILUP, public notification of a proposed development

³⁰ Every person has the right to hold an opinion without interference, and to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds; *Human Rights Act 2019*, s 21.

³¹ Every person in Queensland has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representatives; *Human Rights Act 2019*, s 23.

³² A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing; *Human Rights Act 2019*, s 31.

³³ SL No. 84, human rights certificate, pp 3, 4.

³⁴ SL No. 84, human rights certificate, p 6.

³⁵ SL No. 84, human rights certificate, p 5.

³⁶ SL No. 84, human rights certificate, p 5.

³⁷ *Human Rights Act 2019*, s 24.

³⁸ SL No. 84, human rights certificate, p 3.

³⁹ SL No. 84, human rights certificate, p 5.

scheme for a PDA is required, which provides an opportunity for any interested party to make a submission.⁴⁰

In addressing the restrictions SL No. 84 imposes on the rights of landowners and occupiers to use and enjoy their property and home,⁴¹ the human rights certificate states that, under s 78 of the ED Act, the declaration of the Mount Peter PDA (and the making of the ILUP) cannot prevent or further regulate an existing use of land that is currently lawful.⁴²

Overall, the human rights certificate concludes that, on balance, the importance of delivering development at Mount Peter under the streamlined and coordinated regulatory framework in the ED Act outweighs the potential limitations on the identified human rights.⁴³

Committee Comment



The committee is satisfied that SL No. 84 is compatible with the Human Rights Act and that potential limitations are reasonable and demonstrably justified in the circumstances.

5.5 Human rights certificate

The human rights certificate tabled with SL No. 84 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

6 SL No. 85 – Economic Development (North Harbour PDA and Other Matters) Amendment Regulation 2025

The Economic Development (North Harbour PDA and Other Matters) Amendment Regulation 2025 (SL No. 85) amends the Economic Development Regulation 2023 by declaring a new North Harbour PDA⁴⁴ and renaming The Mill at Moreton Bay PDA to Moreton Bay Central PDA.⁴⁵

According to the explanatory notes:

The North Harbour PDA is envisaged to develop into a mixed-use development comprising residential neighbourhoods, enterprise precincts providing marine industry and local services as well as recreation and conservations areas in a unique development form that is responsive and resilient to its coastal location and attributes.⁴⁶

Declaration of the area⁴⁷ as a PDA provides a pathway for the MEDQ to undertake an integrated land use and infrastructure planning process for the area that addresses specific matters set out in ShapingSEQ: South East Queensland Regional Plan 2023 (ShapingSEQ).

⁴⁰ SL No. 84, human rights certificate, p 6.

⁴¹ Such as restrictions imposed on the way people can use, or build, on their land within the PDA.

⁴² SL No. 84, human rights certificate, p 6.

⁴³ SL No. 84, human rights certificate, p 6.

⁴⁴ SL No. 85, s 3. See also s 37(1) of the ED Act which provides that a regulation may declare a part of the State to be a PDA.

⁴⁵ The former Moreton Bay Regional Council requested the name change to Moreton Bay Central PDA 'for better industry and community recognition, aiming to increased economic activity and investment certainty'; SL No. 85, explanatory notes, p 4.

⁴⁶ SL No. 85, explanatory notes, p 2.

⁴⁷ Being, the land included in the Urban Footprint and SEQ development area (Burpengary East); SL No. 85, explanatory notes, p 2.

ShapingSEQ sets out a range of critical matters to be resolved to enable development of the land, such as, understanding the economic benefits of future development within the area, and resolving native title matters for the marina development under the *Native Title Act 1993*.⁴⁸ According to the explanatory notes, the PDA declaration will 'provide a streamlined planning framework that accommodates the future housing and employment needs of the Moreton Bay region'.⁴⁹

To regulate development from the time the PDA is declared until a detailed development scheme is finalised, the ED Act⁵⁰ provides that the MEDQ must make an ILUP regulating development in the entire area proposed to be declared under the PDA.⁵¹

SL No. 85 provides that the ILUP will expire on 30 January 2027 (being 18 months following PDA declaration) unless a development scheme is made prior.⁵² According to the explanatory notes, the expiry date is required for 'the proper and orderly planning, development and management of the PDA and to provide sufficient time to prepare a development scheme for the PDA'.⁵³

6.1 Consultation

The explanatory notes state that consultation was undertaken with the City of Moreton Bay, as the relevant local government about the PDA boundary and the ILUP, and that 'a community engagement strategy will be prepared to guide the preparation and public notification of the development scheme for the PDA'.⁵⁴

An Impact Analysis Statement was prepared, with no further assessment being required as the amendment is machinery in nature.⁵⁵



6.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

6.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.



6.4 Human Rights Act 2019

The committee considered the following potential limitations on human rights in its assessment of whether SL No. 85 is compatible with the Human Rights Act.

⁴⁸ SL No. 85, explanatory notes, pp 2-3.

⁴⁹ SL No. 85, explanatory notes, p 4.

⁵⁰ *Economic Development Act 2012*, s 38(2).

⁵¹ SL No. 85, explanatory notes, p 2.

⁵² SL No. 85, s 4; SL No. 85, explanatory notes, p 4.

⁵³ SL No. 85, explanatory notes, p 4.

⁵⁴ SL No. 85, explanatory notes, p 5.

⁵⁵ SL No. 85, explanatory notes, p 5.

6.4.1 Rights to freedom of expression, to take part in public life, and to a fair hearing, and property rights

The human rights certificate raises a number of human rights issues, including the right to freedom of expression,⁵⁶ taking part in public life,⁵⁷ and the right to a fair hearing.⁵⁸ These rights may potentially be limited by SL No. 85 as there are fewer rights of review and appeal for decisions on development applications made under a PDA than are generally available under the Planning Act.⁵⁹

However, as noted by the human rights certificate, the purpose of the limitations is to enable the establishment of a regulatory framework governing land use and infrastructure planning to facilitate the development of the area, consistent with the intentions of ShapingSEQ.⁶⁰ The human rights certificate states:

This will contribute to the orderly development in South-East Queensland, including increasing housing supply at a time where there is unmet demand, and increase employment opportunities in the area. The diversity of housing proposed for the NHPDA [North Harbour PDA] will cater to changing community needs of the wider Moreton Bay community. The PDA will also protect significant biodiversity and conservation values through the preservation and rehabilitation of critical habitat corridors and the appropriate location of infrastructure, waterways, and land uses.⁶¹

SL No. 85 may also limit property rights,⁶² as the declaration of the North Harbour PDA will result in development in the area being regulated, potentially limiting the ability of property owners in the area to use and enjoy their property.⁶³

The human rights certificate states that there is no less restrictive and reasonably available way to achieve the purpose, noting that an amendment to the council planning scheme could cause delays to the delivery of housing at a time when the pressure on existing housing supplies in south-east Queensland high.⁶⁴ In regard to restrictions on the rights of landowners and occupiers to use and enjoy their property and home, the human rights certificate states that, under s 78 of the ED Act, the declaration of the North Harbour PDA (and the making of the ILUP) cannot prevent or further regulate an existing use of land that is currently lawful.⁶⁵

Although there is no requirement for public consultation under the ED Act prior to the declaration of a PDA and making of the ILUP, public notification of a proposed development scheme for a PDA is required, providing an opportunity for any interested party to make a submission.⁶⁶

⁵⁶ Every person has the right to hold an opinion without interference, and to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds; *Human Rights Act 2019*, s 21.

⁵⁷ Every person in Queensland has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representatives; *Human Rights Act 2019*, s 23.

⁵⁸ A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing; *Human Rights Act 2019*, s 31.

⁵⁹ SL No. 85, human rights certificate, pp 3, 5.

⁶⁰ SL No. 85, human rights certificate, p 5.

⁶¹ SL No. 85, human rights certificate, p 5.

⁶² *Human Rights Act 2019*, s 24.

⁶³ SL No. 85, human rights certificate, p 3.

⁶⁴ SL No. 85, human rights certificate, p 5.

⁶⁵ SL No. 85, human rights certificate, p 6.

⁶⁶ SL No. 85, human rights certificate, p 6.

The human rights certificate concludes that, on balance, the importance of delivering development in North Harbour under the streamlined and coordinated regulatory framework in the ED Act outweighs the potential limitations on the identified human rights.⁶⁷

Committee Comment



The committee is satisfied that SL No. 85 is compatible with the Human Rights Act and that potential limitations are reasonable and demonstrably justified in the circumstances.

6.5 Human rights certificate

The human rights certificate tabled with SL No. 85 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

7 SL No. 89 – Residential Tenancies and Rooming Accommodation Regulation 2025

The Residential Tenancies and Rooming Accommodation Regulation 2025 (SL No. 89) is intended to support the implementation and operation of the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act) by prescribing specific detail about the process for entering into a rental agreement and the obligations of parties to a rental agreement.⁶⁸

The RTRA Act establishes a framework for managing tenancy arrangements in Queensland, including the rights and responsibilities of parties and the content and operation of rental agreements. A review of the RTRA Act resulted in its amendment through a range of legislation, with the final tranche of reforms commencing on 1 May 2025.

SL No. 89 replaces the expiring Residential Tenancies and Rooming Accommodation Regulation 2009 (2009 Regulation), which has been subject to a sunset review involving ‘stakeholder feedback to evaluate its continuing need, effectiveness and efficiency’. According to the explanatory notes, feedback received demonstrated there is an ongoing need for the regulation, and that it is generally operating efficiently and effectively.⁶⁹

SL No. 89 prescribes:

- *standard terms and required details for rental agreements*, including general tenancy agreements, moveable dwelling agreements, State tenancy agreements, community housing provider tenancy agreements and rooming accommodation agreements – according to the explanatory notes, establishing standard and replacement terms and required details for inclusion in rental agreements ensures clarity and consistency across rental agreements⁷⁰

⁶⁷ SL No. 85, human rights certificate, p 7.

⁶⁸ SL No. 89, explanatory notes, p 1.

⁶⁹ The 2009 Regulation came into effect on 5 June 2009 to support the implementation and operation of the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act). The 2009 Regulation was exempted from expiry since 2020, but this exemption ended on 31 August 2025. SL No. 89, explanatory notes, pp 1, 2, 7-8; SL No. 89, human rights certificate, p 2.

⁷⁰ SL No. 89, explanatory notes, pp 2, 6. See SL No. 89, part 3; RTRA Act, ss 55, 73 and 527C.

- *information that can be requested from rental applicants in the rental application form*, such as the applicant's date of birth and the number of occupants intended to reside in the premises
 - the explanatory notes state that prescribing this additional information strikes an appropriate balance between protecting renters' privacy and ensuring rental property owners and property managers can collect sufficient information to assess applicants' suitability and make an informed decision⁷¹
- *a restricted way for submitting a rental application form*, i.e. a way of submitting a rental application form that requires the prospective renter to pay an amount in relation to submitting the application
 - according to the explanatory notes, requiring applicants to pay an amount to submit a rental application or undertake a background check to support their application is not fair or equitable within the context of financial barriers to housing. A restricted way for submitting a rental application includes a way prescribed by regulation and is intended to assist applicants⁷²
- *the maximum fee for sale of caravans*
 - the explanatory notes state that limiting the commission charged by a park owner protects moveable dwelling owners, and it is also important that the fee provides suitable payment for services rendered by the park owner⁷³
- *values and periods for storing abandoned goods*, being an amount for the market value of the goods, and a required storage period (before abandoned goods can be sold, donated or disposed of) to determine what action should be taken for goods and documents left behind in rental premises, depending on the value
 - the purpose of establishing a monetary limit for storing abandoned goods balances renters' rights to retrieve their items with the cost for property owners to store goods that might otherwise be of low value. Establishing a storage period provides the renter with an opportunity to reclaim their items after paying storage costs, while ensuring property managers and property owners are not required to store the items indefinitely or make renters liable for long periods of storage.⁷⁴
- *water efficiency requirements for toilets, showerheads and cold-water taps*
 - according to the explanatory notes, prescribing water efficiency requirements by regulation encourages lessors to install water efficient fixtures in the rental premises, as this allows lessors to pass water consumption costs on to tenants when other conditions are also met⁷⁵
- *house rules for rooming accommodation*, including rules about residents' and guests' behaviour, maintenance of rooms, common areas, guests, quiet enjoyment, door locks and keys, and animals
 - house rules are prescribed to assist in the management of communal living by establishing expectations for residents' behaviour, which assists in preventing

⁷¹ SL No. 89, explanatory notes, pp 3, 6. See SL No. 89, ss 4, 6; RTRA Act, ss 57B and 76C.

⁷² SL No. 89, explanatory notes, pp 3, 6. See SL No. 89, ss 5, 7; RTRA Act, ss 57B and 76C.

⁷³ SL No. 89, explanatory notes, pp 3-4, 6. See SL No. 89, ss 34, 46; RTRA Act, s 241.

⁷⁴ SL No. 89, explanatory notes, pp 4, 6. See SL No. 89, part 6, ss 43, 44; RTRA Act, ss 363 and 393.

⁷⁵ SL No. 89, explanatory notes, pp 4, 6. See SL No. 89, s 32; RTRA Act, s 166.

misunderstandings or conflicts and creates a more predictable, stable and harmonious living environment⁷⁶

- *the period within which repeated breaches of a provision of the RTRA Act must occur to enable a property owner or renter to make an urgent application to a tribunal for a termination order*⁷⁷
- *approved reasons for listing renters on tenancy databases*
 - prescribing approved reasons for listing personal information on a tenancy database is to ensure that listings are fair and that a person cannot be listed for a minor matter⁷⁸
- *minimum housing standards* in relation to weatherproof and structurally sound fixtures and fittings, locks on windows and doors, vermin, damp and mould, and privacy
 - the explanatory notes state that prescribing these standards, which supplement existing minimum building standards and tenancy law, seeks to ensure a consistent standard of rental properties and improve the access of renters to safe, secure and appropriate housing⁷⁹
- *supporting evidence for domestic and family violence (DFV)*
 - according to the explanatory notes, the evidence prescribed seeks to balance the privacy needs of renters experiencing DFV, by ensuring the evidence is sufficiently rigorous to protect owners from inappropriate use of the provision.⁸⁰

SL No. 89 also amends the State Penalties Enforcement Regulation 2014 (SPE Regulation) to address a drafting error in the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024* (RTRAOLA Act) which omitted an offence from the SPE Regulation without reinserting it with a higher penalty unit.⁸¹

7.1 Consultation

The explanatory notes provide details of feedback on the 2009 Regulation obtained in April and May 2025. This feedback identified amendments and updates needed to improve the effectiveness and clarity of some provisions which have been included in the 2025 Regulation (SL No. 89).

An Impact Analysis Statement, which has been approved by the Director-General of the Department of Housing and Public Works and the Minister for Housing and Public Works and Minister for Youth, indicated ‘that the preferred option, to re-make the regulation with minor amendments, has the greatest net benefit to Queensland’.⁸²

⁷⁶ SL No. 89, explanatory notes, pp 4, 6. See SL No. 89, ss 19, 45, sch 7; RTRA Act, ss 267 and 268.

⁷⁷ Sections 299, 315, 376 and 382 of the RTRA Act establish that a property owner or renter can make an urgent application to a tribunal for a termination order, if certain requirements are met, including that the property owner has already given the renter (or vice versa) 2 notices to remedy breach of a particular provision of the RTRA Act and the renter/property owner commits a further breach of that provision and the 3 breaches occur within the period prescribed by regulation (i.e. 12 months). SL No. 89, explanatory notes, pp 5, 6. See SL No. 89, s 36.

⁷⁸ SL No. 89, explanatory notes, pp 5, 6. See SL No. 89, part 7; RTRA Act, s 459.

⁷⁹ SL No. 89, explanatory notes, pp 5, 6. See SL No. 89, s 18, sch 6; RTRA Act, s 17A.

⁸⁰ SL No. 89, explanatory notes, pp 5-6. See SL No. 89, s 37; RTRA Act, ss 308B(1)(b) and 381B(1)(b).

⁸¹ SL No. 89, explanatory notes, p 2; SL No. 89, s 49.

⁸² SL No. 89, explanatory notes, pp 7-8.



7.2 Legislative Standards Act 1992

The explanatory notes state that no potential inconsistencies with fundamental legislative principles were identified.⁸³ However, the committee considered the following issues of fundamental legislative principle as part of its assessment of whether SL No. 89 complies with the Legislative Standards Act.

7.2.1 Rights and liberties of individuals - penalties

To have sufficient regard for the rights and liberties of individuals, the consequences of legislation should be relevant and proportionate. In line with this, a penalty should be proportionate to the offence, and penalties within legislation should be consistent with each other.

SL No. 89 amends the SPE Regulation to include a penalty infringement notice (PIN) fine for breaching s 77 of the RTRA Act.⁸⁴ According to the explanatory notes, this amendment rectifies a drafting error by reinstating a previously omitted offence, but with an increased penalty.⁸⁵

SL No. 89 inserts a PIN fine of 4 penalty units for individuals (\$667.60).⁸⁶ Given that prior to the pre-existing fine being omitted, it attracted a fine of 2 penalty units,⁸⁷ SL No. 89 effectively doubles the penalty. This is the same proportion by which the maximum penalty for s 77 was increased by the RTRAOLA Act.⁸⁸

In addressing matters of fundamental legislative principle in relation to provisions including the clause amending s 77, the explanatory notes for the Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024 stated that 'the penalties are proportionate to the impact of the offences and reflect the seriousness of the conduct',⁸⁹ and concluded that the new penalty provisions 'are proportionate and appropriate responses to encourage parties to comply with the RTRA Act' and 'consistent with those imposed on offences of similar importance provided for under the RTRA Act'.⁹⁰

In the context of their application to the RTRA Act, the existing infringement notice offences listed in the SPE Regulation are for PIN fines ranging from 1 to 5 penalty units. The reinstated and increased PIN fine in SL No. 89 is within this range.

⁸³ SL No. 89, explanatory notes, p 7.

⁸⁴ Section 77 of the RTRA Act requires a provider or provider's agent to ensure a rooming accommodation agreement entered into with a resident is in writing to the extent, and in the way, required by the section. Failing to comply is an offence attracting a maximum penalty of 40 penalty units (\$6,676). The value of a penalty unit is currently \$166.90. See Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2025, s 4; Penalties and Sentences Regulation 2015, s 3; *Penalties and Sentences Act 1992*, s 5A.

⁸⁵ SL No. 89, explanatory notes, p 2.

⁸⁶ And 20 penalty units for corporations.

⁸⁷ And 10 penalty units for corporations.

⁸⁸ The Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024, s 11, increased the maximum penalty from 20 penalty units to 40 penalty units.

⁸⁹ Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024, explanatory notes, p 18.

⁹⁰ Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024, explanatory notes, p 19.

Committee Comment

The committee is satisfied that the penalty contained in SL No. 89 is proportionate and relevant to the actions to which the consequences relate, and therefore has sufficient regard to the rights and liberties of individuals..

7.2.2 Institution of Parliament – delegation of legislative power

Whether subordinate legislation has sufficient regard to the institution of Parliament depends on whether, for example, the subordinate legislation contains only matters appropriate to subordinate legislation.⁹¹

As detailed above, SL No. 89 prescribes numerous matters by regulation, including the reasons for listing a person in the tenancy database. The explanatory notes identify the delegations and reference the relevant authorising powers in the RTRA Act. The 2009 Regulation contained similar delegations of legislative power.

Committee Comment

The committee is satisfied that the delegations of legislative power contained in SL No. 89 have sufficient regard to the institution of Parliament. The subject matter of the delegations appears appropriate in the circumstances and regulations prescribing these matters are subject to the disallowance provisions contemplated by the *Statutory Instruments Act 1992*, providing an opportunity for parliamentary scrutiny.

7.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.

**7.4 Human Rights Act 2019**

The committee considered the following potential limitations on human rights in its assessment of whether SL No. 89 is compatible with the Human Rights Act.

7.4.1 Property rights, right to privacy**Rental applications**

SL No. 89 may potentially limit the property rights⁹² of a property owner and the right to privacy⁹³ of a rental applicant by prescribing information for the required rental application form,⁹⁴ including financial ability to pay rent if the applicant cannot provide employment or

⁹¹ *Legislative Standards Act 1992*, s 4(5)(c).

⁹² All persons have a right to own property alone or in association with others and a person must not be arbitrarily deprived of the person's property; *Human Rights Act 2019*, s 24.

⁹³ A person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and not to have their reputation unlawfully attacked; *Human Rights Act 2019*, s 25.

⁹⁴ Sections 57B and 76C of the RTRA Act provide that if a rental property owner or property manager deem it necessary for a rental applicant to formally apply for a rental premises, the required application form must be used. SL No. 89, human rights certificate, p 5.

income details, number of occupants and occupants under the age of 18, number and type of pets and vehicles.

While SL No. 89 expands the information that can be collected by the required application form, the human rights certificate states that:

... the amount and type of renter information that can be collected is restricted and may limit the property owner's right to property ... by confining the manner in which a person may deal with, and benefit from, their investment property.

Property owners have the right to decide who can live in their property and may request information to assess a renter's suitability. Any limitation on this right could impact property rights ...⁹⁵

Conversely, prescribing additional information in the application form may potentially limit an applicant's right to privacy: 'What is ... at stake in human rights terms is a renter's right to protect their personal information and reputation and the limitations on the right to say nothing or not provide information'.⁹⁶

According to the human rights certificate, SL No. 89 'ensures only enough personal information is collected from renters to allow a property owner to assess a prospective renter's ability to pay rent and suitability for the property' and 'allowing property owners to request the additional information is necessary to ensure that property owners have sufficient information to make an informed decision about the prospective renter'.⁹⁷

The human rights certificate concludes that SL No. 89 'strikes an appropriate balance between the freedom of property owners to seek and receive information, and the right of renters to keep personal information to themselves'.⁹⁸ The impact on property and privacy rights are considered 'minor and necessary to ensure fairness in the rental application process'.⁹⁹

Abandoned goods

SL No. 89 may potentially limit the property rights¹⁰⁰ of a property owner and a renter by prescribing required storage periods and market values of abandoned goods.

SL No. 89 could result in the property owner suffering financial loss due to costs associated with storage periods that are not covered by the rental bond, or costs associated with not being able to rent a site or caravan until the required storage period for abandoned goods has concluded.¹⁰¹

The right to property is engaged for the renters who have 'limited opportunity to reclaim their possessions after abandoning the property, and no opportunity to reclaim goods that are less than the prescribed values, which can be disposed of and do not need to be stored'.¹⁰²

⁹⁵ SL No. 89, human rights certificate, p 6.

⁹⁶ SL No. 89, human rights certificate, p 7.

⁹⁷ SL No. 89, human rights certificate, p 7.

⁹⁸ SL No. 89, human rights certificate, p 8.

⁹⁹ SL No. 89, human rights certificate, p 8.

¹⁰⁰ All persons have a right to own property alone or in association with others and a person must not be arbitrarily deprived of the person's property; *Human Rights Act 2019*, s 24.

¹⁰¹ SL No. 89 prescribes values for belongings left behind by renters and required storage periods. It also prescribes a separate value for an abandoned caravan and its contents and a separate required storage period. SL No. 89, human rights certificate, pp 9, 10.

¹⁰² Property rights would particularly limited, where a renter's agreement ends and they unexpectedly abandon the premises leaving their goods there, because, for example, they require unplanned long term medical care or are incarcerated. SL No. 89, human rights certificate, p 10.

The human rights certificate observes that:

Some abandoned goods may be of little value and do not justify the cost of storage and may never be reclaimed by the renter. Conversely, renters' rights to property are protected by providing a period within which they can reclaim their possessions that are above the prescribed values.¹⁰³

The human rights certificate concludes that SL No. 89 strikes 'an appropriate balance between the needs of renters who may wish to reclaim their possessions and the impacts on property owners associated with storing abandoned goods'.¹⁰⁴

In contemplating abandoned caravans, in particular, the human rights certificate concludes that the longer storage period prescribed for caravans and their contents (2 months) than for other abandoned goods 'is a fair balance between storage obligations for caravan park owners whose property rights are impacted by not being able to rent the site until the abandoned caravan has been removed and stored, and the right of renters to reclaim their possessions which, in the case of a caravan, may be their home'.¹⁰⁵

7.4.2 Rights to privacy and freedom of expression

Approved reasons for tenancy database listings

Tenancy databases list defaulting renters and are commonly used by rental property owners and managers to determine whether an applicant would be a suitable tenant for a rental premises.¹⁰⁶ By providing for approved reasons for listing a person on a tenancy database, including for unpaid rent, amounts owing under a conciliation agreement or tribunal order or abandonment, objectionable behaviour and repeated breaches, SL No. 89 may limit an owner's right to freedom of expression¹⁰⁷ and a tenant's right to privacy and reputation.¹⁰⁸

According to the human rights certificate, a property owner or manager's right to freedom of expression may be limited in terms of being free to list a defaulting renter on a tenancy database where they believe the renter is a risk for other property owners.¹⁰⁹

From the tenant's perspective, such listing may limit their right to privacy and reputation. However 'prescribing limited approved reasons for listing on a tenancy database, is to protect renters from unfair or arbitrary listings which would limit their access to housing'.¹¹⁰

The human rights certificate states that:

... prescribing approved reasons allows rental property owners or property managers to list a renter for identified, qualified reasons, for use by other rental property owners and property managers when assessing the suitability of rental applicants. Protecting a renter from

¹⁰³ SL No. 89, human rights certificate, p 10.

¹⁰⁴ SL No. 89, human rights certificate, p 10.

¹⁰⁵ SL No. 89, human rights certificate, pp 10-11.

¹⁰⁶ SL No. 89, human rights certificate, p 15.

¹⁰⁷ Every person has the right to hold an opinion without interference, and to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds; *Human Rights Act 2019*, s 21.

¹⁰⁸ A person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and not to have their reputation unlawfully attacked; *Human Rights Act 2019*, s 25.

¹⁰⁹ SL No. 89, human rights certificate, p 15.

¹¹⁰ SL No. 89, human rights certificate, p 16.

unlawful and incorrect listings by ensuring that listings can only be made for certain reasons helps protect a renter's reputation.¹¹¹

The human rights certificate concludes that 'the need for a fair private rental market, outweighs the relatively small impacts on freedom of expression' and that the interference with privacy and reputation is 'proportionate and not arbitrary'.¹¹²

Supporting evidence of domestic and family violence

By prescribing a list of evidence of DFV, which allows renters experiencing DFV to substantiate their circumstances and provide a notice ending their interest in a residential tenancy or rooming accommodation agreement, SL No. 89 may limit the renter's right to privacy and reputation.¹¹³ The renter is required to provide evidence supporting their notice to leave, which may contain personal and sensitive information.

According to the human rights certificate, the purpose of the limitation is to ensure fair access to the protections under the RTRA Act and prevent their improper use.¹¹⁴ Prescribing a broad range of supporting evidence assists a renter experiencing DFV to end a rental agreement quickly, and 'provides the property owner and manager with certainty about who can authorise the evidence to support the grounds to end the agreement and ensures that the provisions are not used inappropriately to end a tenancy or residency interest'.¹¹⁵

The human rights certificate concludes that the limitation on the right to privacy and reputation is balanced by the RTRA Act 'making it an offence for a rental property owner, property manager or employee to disclose the supporting evidence'.¹¹⁶

Committee Comment



The committee is satisfied that the limitations on property rights, the right to privacy and reputation, and right to freedom of expression are reasonable and demonstrably justified in the circumstances and that SL No. 89 is compatible with the Human Rights Act.

7.5 Human rights certificate

The human rights certificate tabled with SL No. 89 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

8 SL No. 92 – Queensland Community Safety (Postponement) Regulation 2025

The Queensland Community Safety (Postponement) Regulation 2025 (SL No. 92) extends the period before the automatic commencement of the amendments addressing drink driving in the *Queensland Community Safety Act 2024*. The amendments, which include increases to penalties, licence disqualification and issuing infringement notices, were due to commence on 31 August 2025. Postponement by SL No. 92 means that the amendments will now

¹¹¹ SL No. 89, human rights certificate, p 16.

¹¹² SL No. 89, human rights certificate, p 16.

¹¹³ SL No. 89, human rights certificate, pp 17, 18.

¹¹⁴ SL No. 89, human rights certificate, p 18.

¹¹⁵ SL No. 89, human rights certificate, p 18.

¹¹⁶ Attracting a maximum penalty of 100 penalty units (\$16,690).

automatically commence on 31 August 2026, in accordance with s 15DA(2) of the *Acts Interpretation Act 1954*.¹¹⁷

The explanatory notes identify information technology systems as being the reason for the postponement:

To support their implementation, significant updates to information technology systems are required. While work on these implementation tasks is already underway, additional time is needed to ensure all systems and processes are fully established to support effective administration of the amendments.¹¹⁸

8.1 Consultation

The explanatory notes state that no external consultation concerning SL No. 92 was undertaken 'due to the minor nature of the regulation' and that a summary Impact Analysis Statement was prepared, with no further assessment being required as the amendment is machinery in nature.¹¹⁹



8.2 Legislative Standards Act 1992

The committee considered the following issue of fundamental legislative principle as part of its assessment of whether SL No. 92 complies with the Legislative Standards Act.

8.2.1 Institution of Parliament – delaying commencement of provisions of an Act

Delay by the executive of commencement of provisions of an Act may be considered not to have sufficient regard to the institution of Parliament because the executive could be regarded as frustrating the will of the legislature. However, the postponement of the provisions complies with the requirements of the *Acts Interpretation Act 1954* and the rationale for the postponement provided in the explanatory notes appears reasonable.

Committee Comment



The committee recognises that significant updates to information technology systems can take a long period to finalise. We are satisfied that SL No. 92 has sufficient regard to the institution of Parliament and is consistent with fundamental legislative principles.

8.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.



8.4 Human Rights Act 2019

The committee concluded that SL No. 92 is compatible with human rights.

8.5 Human rights certificate

The human rights certificate tabled with SL No. 92 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

¹¹⁷ SL No. 92, explanatory notes, p 1.

¹¹⁸ SL No. 92, explanatory notes, p 1.

¹¹⁹ SL No. 92, explanatory notes, p 2.

9 Committee recommendation



Recommendation 1

The committee recommends that the Legislative Assembly note this report.

Jim McDonald MP
Chair

State Development, Infrastructure and Works Committee

Chair Mr Jim McDonald MP, Member for Lockyer

Deputy Chair Ms Jonty Bush MP, Member for Cooper

Members Mr Terry James MP, Member for Mulgrave

Mr David Kempton MP, Member for Cook

Mr Shane King MP, Member for Kurwongbah

Mr Bart Mellish MP, Member for Aspley