

Health and Community Services Committee

Report on Subordinate Legislation **tabled between 20 June and 21 August 2012** **Report No. 7**

The Health and Community Services Committee is responsible for examining subordinate legislation within its portfolio areas and considering the policy to be given effect, the application of fundamental legislative principles and the lawfulness of the subordinate legislation (s.93(1) *Parliament of Queensland Act 2001*). The committee's responsibility also includes 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 which it considers.

Recommendation

That the Legislative Assembly notes this report and the committee's conclusion that the subordinate legislation considered does not raise any significant issues regarding the application of fundamental legislative principles.

Subordinate legislation examined

The committee has considered the following subordinate legislation tabled in July and August 2012.

SL No.	Name of Subordinate Legislation	Date for disallowance
SL 82	Health and Other Legislation Amendment Regulation (No.1) 2012	31/10/2012
SL 90	Health and Hospitals Network and Other Legislation Amendment Regulation (No.1) 2012	31/10/2012
SL 109	Proclamation made under the Health and Hospitals Network and Other Legislation Amendment Act 2012	14/11/2012
SL 116	National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No.1) 2012	14/11/2012
SL 122	Adoption Amendment Regulation (No. 1) 2012	28/11/2012
SL 123	Disability Services Amendment Regulation (No. 1) 2012	28/11/2012
SL 124	National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 2) 2012	28/11/2012

Health and Other Legislation Amendment Regulation (No.1) 2012

The *Health and Other Legislation Amendment Regulation (No.1) 2012* makes amendments required following the transition of the medical radiation practitioners and occupational therapists to national registration. The committee did not identify any significant issues regarding consistency with fundamental legislative principles or the lawfulness of the Regulation.

Health and Hospitals Network and Other Legislation Amendment Regulation (No.1) 2012

The *Health and Hospitals Network and Other Legislation Amendment Regulation (No.1) 2012* amends various regulations to facilitate transition to full operation of Hospital and Health Services. The committee considered whether the Regulation had sufficient regard to fundamental legislative principles, particularly in relation to employment arrangements and the definition of terms. As the Regulation provides for transitional arrangements, the committee concluded that the fundamental legislative principle issues it considered were acceptable in the circumstances.

Proclamation - Health and Hospitals Network and Other Legislation Amendment Act 2012

The Proclamation commenced the remaining provisions of the *Health and Hospitals Network and Other Legislation Amendment Act 2012* on 2 August 2012. The committee did not identify any issues.

National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No.1) 2012

The *National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No.1) 2012* prescribes annual fee increases, most of which are in line with or less than the Government endorsed indexation factor of 3.5 per cent. The highest fee increase was 6.3 per cent, in line with an industry indexation factor, which resulted in an annual fee increase of less than five dollars. The committee considered the fee increases to be reasonable, with no significant impact on the rights of individuals.

Adoption Amendment Regulation (No.1) 2012

The *Adoption Amendment Regulation (No.1) 2012* increases application and assessment fees for adoption. The committee did not identify any fundamental legislative principles issues.

Disability Services Amendment Regulation (No. 1) 2012

The *Disability Services Amendment Regulation (No. 1) 2012* increases fees for a 'yellow card' for staff and volunteers of government funded disability service providers by 3.5 per cent. The committee did not identify any fundamental legislative principle issues.

National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No.2) 2012

The *National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No.2) 2012* amends three regulations to simplify fee payments by commercial operators, and to avoid duplication of commercial activity agreements if, for example, a commercial tour uses both a protected area and a marine park. There are no concerns about fundamental legislative principles.

Health and Community Services Committee

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