

Health and Community Services Committee

Report on Subordinate Legislation

Report No. 5

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 approximately quarterly on all subordinate legislation which it considers, and separately where the committee has concerns about consistency with fundamental legislative principles and related issues.

Recommendation

The committee recommends that the Legislative Assembly note the subordinate legislation (No. 40 and 52 of 2012) considered by the committee.

Subordinate legislation examined

The committee has considered the following subordinate legislation (SL) tabled on 17 May 2012.

SL No.	Name of Subordinate Legislation	Date for disallowance
SL 40	Nature Conservation (Protected Areas Management) Amendment Regulation (No.1) 2012	01/08/2012
SL 52	Health Legislation Amendment Regulation (No.1) 2012	01/08/2012

Nature Conservation (Protected Areas Management) Amendment Regulation (No.1) 2012 (SL 40)

The committee did not identify any significant issues regarding consistency with fundamental legislative principles or the lawfulness of the *Nature Conservation (Protected Areas Management) Amendment Regulation (No.1) 2012*.

However, the committee considers that the quality and usefulness of the Explanatory Notes could be improved and draws two matters to the attention of the Legislative Assembly.

Firstly, the 'Consultation' section of the Explanatory Notes indicates there is confusion between the Regulatory Assessment Statement System and the requirements to comply with Part 5 of the *Statutory Instruments Act 1992* by preparing a Regulatory Impact Statement in specified circumstances.

Secondly, the Explanatory Notes state that the objective of the Regulation is to prescribe a 'sewerage pipeline use' for the Mooloolah River National Park. The Regulation identifies the area for construction, maintenance and use of a sewerage pipeline as an easement on a

drawing titled 'Pressure Main Route and Easement' for the Diversion of South Buderim Sewerage Project – Project No. A1231400.

There is no information to assist a member of the public to identify the location for the 'sewerage pipeline use' in the Mooloolah River National Park. It would have been useful if the Explanatory Notes had included a statement about where the drawing titled 'Pressure Main Route and Easement' can be viewed and how it can be obtained by a member of the public.

Health Legislation Amendment Regulation (No.1) 2012 (SL 52)

The committee did not identify any significant issues regarding consistency with fundamental legislative principles or the lawfulness of the *Health Legislation Amendment Regulation (No.1) 2012*.

The Regulation prescribes annual fee increases for four registered health professions. Some fees increased by slightly more than the consumer price index, however those increases were minor.

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Committee Staff Ms Sue Cawcutt, Research Director
Ms Linh Luong and Ms Lee Archinal, Principal Research Officers
Ms Tamara Vitale, Executive Assistant

Technical Scrutiny Secretariat Ms Renee Easten, Research Director
Ms Marissa Ker, Principal Policy Officer
Ms Dianne Christian, Executive Assistant

Contact details Health and Community Services Committee
Parliament House
George Street
Brisbane Qld 4000

Telephone +61 7 3406 7688

Fax +61 7 3406 7070

Email hcsc@parliament.qld.gov.au

Web www.parliament.qld.gov.au/hcsc