

Health and Community Services Committee

Report on Subordinate Legislation tabled between 1 December 2012 and 12 February 2013

Report No. 20

The Health and Community Services Committee is responsible for examining subordinate legislation within its portfolio areas and considering the policy 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 responsibilities include 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 it has considered.

Recommendation

The committee recommends that the Legislative Assembly note 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 between 1 December 2012 and 12 February 2013.

SL No.	Name of Subordinate Legislation	Date for disallowance
SL 227	National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 3) 2012	02/05/2013
SL 237	Disability Services (Disability Service Standards) Notice 2012	02/05/2013
SL 244	Pest Management Amendment Regulation (No.1) 2012	02/05/2013
SL 245	Water Fluoridation Amendment Regulation (No.1) 2012	02/05/2013
SL 246	Radiation Safety Amendment Regulation (No.1) 2012	02/05/2013

National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 3) 2012

The National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 3) 2012 (the Regulation) amends five regulations to: remove the need for a permit for the use of a generator for medical purposes in a State Forest, protected area, recreation area or marine park; replace out of date references to 'guide dogs' with 'support dogs'; allow a combined commercial activity permit to be issued for a commercial activity that extends across a State Forest, protected area and recreation area; and remove the need for approval to transport a dog in a vehicle through the Moreton Island Recreation Area. The committee did not identify any fundamental legislative principles issues.

Disability Services (Disability Service Standards) Notice 2012

The *Disability Services (Disability Service Standards) Notice 2012* notifies that from 1 February 2013, the Human Services Quality Standards are to be the Disability Services Standards. The committee has no concerns with fundamental legislative principles.

Pest Management Amendment Regulation (No.1) 2012

The *Pest Management Amendment Regulation (No.1) 2012* amends regulations to ensure consistency with the *Chemical Usage (Agricultural and Veterinary) Control Act 1998* and prescribes details of a new pest management qualification. There were no fundamental legislative principles issues.

Water Fluoridation Amendment Regulation (No.1) 2012

The *Water Fluoridation Amendment Regulation (No.1) 2012* make machinery amendments to the *Water Fluoridation Regulation 2008* as a consequence of changes made to the *Water Fluoridation Act 2008* by the *South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012*. There are no concerns about fundamental legislative principles.

Radiation Safety Amendment Regulation (No.1) 2012

The *Radiation Safety Amendment Regulation (No.1) 2012* bans commercial businesses in Queensland from possessing additional solaria. The ban does not apply to a solarium used exclusively by a health practitioner to carry out a diagnostic or therapeutic procedure; a privately owned solarium or a solarium in the possession of a licensee before 1 January 2013. The Regulation also reduces regulatory burdens, ensures consistency with other legislation and corrects typographical and grammatical errors.

The committee considered whether the Regulation had sufficient regard to the rights and liberties of individuals. As the Regulation aims to protect the public from the harmful effects of commercial solarium, the committee concluded that the fundamental legislative principles issues it considered were acceptable in the circumstances. The committee notes that the Explanatory Notes state that there was no specific consultation with external stakeholders about the Regulation.



Trevor Ruthenberg MP
Chair

Health and Community Services Committee

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