

Health and Community Services Committee

Report on Subordinate Legislation tabled between 1 May 2013 and 4 June 2013

Report No. 28

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, and is lawful and within power.

The committee requests that the Minister for Health table an erratum to the explanatory notes tabled with the Proclamation made under the *Queensland Mental Health Commission Act 2013*. The erratum to the explanatory notes should contain information about the consultation that took place on the Proclamation or, if no consultation took place, a statement of the reason for no consultation, as required under section 24(2) of the *Legislative Standards Act 1992*.

Subordinate legislation examined

The committee has considered the following subordinate legislation tabled between 1 May 2013 and 4 June 2013.

SL No.	Name of Subordinate Legislation	Date for disallowance
SL 60	Hospital and Health Board Amendment Regulation (No.1) 2013	11/09/2013
SL 63	Nature Conservation (Protected Areas Management) Amendment Regulation (No.1) 2013	11/09/2013
SL 69	Proclamation made under the <i>Health Practitioner Registration and Other Legislation Amendment Act 2013</i>	11/09/2013
SL 72	Proclamation made under the <i>Queensland Mental Health Commission Act 2013</i>	16/10/2013

Hospital and Health Board Amendment Regulation (No.1) 2013

The *Hospital and Health Boards Amendment Regulation (No.1) 2013* amends the *Hospital and Health Boards Regulation 2012*, in light of the Office of Economic and Statistical Research being renamed the Government Statistician. The amendments ensure that the Department of Health may continue to share confidential patient information with the newly named Government Statistician for the purpose of evaluating, managing, monitoring or planning health services. The committee did not identify any significant fundamental legislative principles issues.

Nature Conservation (Protected Areas Management) Amendment Regulation (No.1) 2013

The *Nature Conservation (Protected Areas Management) Amendment Regulation (No.1) 2013* amends the *Nature Conservation (Protected Area Management) Regulation 2006* to enable existing infrastructure sites (e.g. communications, marine navigation and water infrastructure) in the following national parks to be authorised under the *Nature Conservation Act 1992* (the Act):

D'Aguilar Range National Park
Koombooloomba National Park
Mount Windsor National Park
Tewantin National Park

Woowoonga National Park
Tuchekoi National Park
Noosa National Park
Whitsunday Islands National Park

The Amendment Regulation legitimises the continued use of the infrastructure sites, which were in operation on land in the above national parks before the land was gazetted as part of a national park. The Amendment Regulation also allows for the renewal of an expired lease for water and sewage pipelines in Molle Islands National Park under the *Land Act 1994*. The committee did not identify any significant fundamental legislative principles issues.

Proclamation made under the *Health Practitioner Registration and Other Legislation Amendment Act 2013*

The Proclamation commenced on 20 May 2013 and 1 July 2013 certain provisions of the *Health Practitioner Registration and Other Legislation Amendment Act 2013* to discontinue, by 30 June 2013, the registration scheme for dental technicians and speech pathologists. The committee did not identify any significant fundamental legislative principles issues.

Proclamation made under the *Queensland Mental Health Commission Act 2013*

The Proclamation commenced the remaining provisions of the *Queensland Mental Health Commission Act 2013* on 1 July 2013.

The committee did not identify any significant fundamental legislative principles issues. The explanatory notes tabled with the Proclamation comply with the majority of the requirements at section 24 of the *Legislative Standards Act 1992*. The committee notes, however, that the explanatory notes refer only to consultation undertaken on the development of the *Queensland Mental Health Commission Act 2013*, and make no reference to consultation on the Proclamation.

The committee acknowledges that it may not be considered necessary to consult on all pieces of subordinate legislation, including simple and straightforward proclamations. Section 24(2) of the *Legislative Standards Act 1992*, however, requires that explanatory notes must provide information about the consultation that took place on the subordinate legislation or, if no consultation took place, a statement of the reason for no consultation.

The committee requests that the Minister for Health table an erratum to the explanatory notes tabled with the Proclamation. The erratum should contain information about the consultation that took place on the Proclamation or, if no consultation took place, a statement of the reason for no consultation, as required under section 24(2) of the *Legislative Standards Act 1992*.



Trevor Ruthenberg MP

Chair

Health and Community Services Committee

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