

## Health and Community Services Committee

### **Report on Subordinate Legislation** **tabled between 5 June 2013 and 20 August 2013**

#### Report No. 32

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 (section 93(1) of the *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.

#### Subordinate legislation examined

The committee has considered the following subordinate legislation tabled between 5 June 2013 and 20 August 2013.

SL No.	Name of Subordinate Legislation	Date for disallowance
SL 90	Commission for Children and Young People and Child Guardian Amendment Regulation (No.2) 2013	31/10/2013
SL 91	Adoption Amendment Regulation (No.1) 2013	31/10/2013
SL 92	Disability Services Amendment Regulation (No.1) 2013	31/10/2013
SL 106	Proclamation made under the Nature Conservation and Other Legislation Amendment Act 2013	31/10/2013
SL 149	Proclamation made under the Racing and Other Legislation Amendment Act 2012	31/10/2013
SL 160	Racing Regulation 2013	21/11/2013

#### **Commission for Children and Young People and Child Guardian Amendment Regulation (No.2) 2013**

The Commission for Children and Young People and Child Guardian Amendment Regulation (No.2) 2013 amends the Commission for Children and Young People and Child Guardian Regulation 2011 to increase fees in line with the Queensland Government's indexation rate of 3.5 per cent, reflect current drafting practice, and correct anomalies. The committee did not identify any fundamental legislative principles issues.

#### **Adoption Amendment Regulation (No.1) 2013 and Disability Services Amendment Regulation (No.1) 2013**

The Adoption Amendment Regulation (No.1) 2013 and Disability Services Amendment Regulation (No.1) 2013 increase adoption fees and criminal history screening fees, respectively, in line with the Queensland Government's indexation rate of 3.5 per cent. The committee did not identify any significant fundamental legislative principles issues.

### **Proclamation made under the Nature Conservation and Other Legislation Amendment Act 2013**

The Proclamation commenced the remaining provisions of the *Nature Conservation and Other Legislation Amendment Act 2013* on 30 June 2013.

The committee did not identify any significant fundamental legislative principles issues. The Explanatory Notes tabled with the Proclamation comply with the majority of requirements at section 24 of the *Legislative Standards Act 1992*. Section 24(1)(i) of the *Legislative Standards Act 1992* requires that Explanatory Notes include an assessment of the subordinate legislation's consistency with fundamental legislative principles. The committee notes that the Explanatory Notes do not include this assessment.

For future subordinate legislation, the committee expects the department to prepare explanatory notes that comply fully with the requirements at section 24 of the *Legislative Standards Act 1992*.

### **Proclamation made under the Racing and Other Legislation Amendment Act 2012**

The Proclamation commenced the remaining provisions of the *Racing and Other Legislation Amendment Act 2013* on 1 August 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 *Racing and Other Legislation Amendment Act 2012*, 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.

For future subordinate legislation, the committee expects the department to prepare explanatory notes that comply fully with the requirements at section 24 of the *Legislative Standards Act 1992*.

### **Racing Regulation 2013**

The Racing Regulation 2013 repeals and remakes, with amendments, the Racing Regulation 2003 which was due to expire on 1 September 2013 under the *Statutory Instruments Act 1992*. The amendments update and correct errors; reflect current legislation, including amendments to the *Racing Act 2002* to establish Racing Disciplinary Boards; ensure drafting consistency and reflect current drafting practices. The Regulation also increases existing fees in line with the Queensland Government's indexation rate of 3.5 per cent. The committee did not identify any significant fundamental legislative principles issues.



Trevor Ruthenberg MP  
Chair

### **Health and Community Services Committee**

<b>Chair</b>	Mr Trevor Ruthenberg, MP, Member for Kallangur
<b>Deputy Chair</b>	Mrs Jo-Ann Miller MP, Member for Bundamba
<b>Members</b>	Ms Ros Bates MP, Member for Mudgeeraba Dr Alexander Douglas MP, Member for Gaven Mr John Hathaway MP, Member for Townsville Mr Jon Krause MP, Member for Beaudesert Mr Dale Shuttleworth MP, Member for Ferny Grove

**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](mailto:hcsc@parliament.qld.gov.au)  
**Web** [www.parliament.qld.gov.au/hcsc](http://www.parliament.qld.gov.au/hcsc)