

**Subordinate legislation tabled between
16 October 2013 and 19 November 2013**

Report No. 40

Health and Community Services Committee

March 2014

Health and Community Services Committee

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1 Introduction

1.1 Role of the committee

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.

1.2 Aim of this report

This report summarises the committee's examination of subordinate legislation tabled between 16 October 2013 and 19 November 2013. It reports on fundamental legislative principle issues identified by the committee.

2 Subordinate legislation examined

SL No.	Name of subordinate legislation	Date for disallowance
SL 208	Forestry Legislation Amendment Regulation (No.1) 2013	20/3/2014
SL 211	Proclamation made under the Health Ombudsman Act 2013	3/4/2014
SL 218	Hospitals Foundations Amendment Regulation (No.1) 2013	3/4/2014

2.1 Fundamental legislative principles

Forestry Legislation Amendment Regulation (No.1) 2013

The Forestry Legislation Amendment Regulation (No.1) 2013 (the Amendment Regulation) amends the Forestry Regulation 1998 and Forestry (State Forests) Regulation 1987 to revoke parts of the Yurol State Forest and the Monkhouse Timber Reserve.

The land which previously formed part of the Yurol State Forest will be used to improve the safety of the Bruce Highway near Cooroy on the Sunshine Coast. The land which previously formed part of the Monkhouse Timber Reserve is to be transferred to the Jabalbina Aboriginal Land Trust as a result of a 2007 Native Title determination.

The committee did not identify any significant fundamental legislative principle issues. The Explanatory Notes tabled with the Amendment Regulation 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 to consultation within government and with Telstra. The committee considers that information about any consultation outside government, or an explanation of why no such consultation was considered necessary, is necessary to comply with section 24 of the *Legislative Standards Act 1992*.

Proclamation made under the Health Ombudsman Act 2013

The Proclamation made under the *Health Ombudsman Act 2013* (the Act) fixes a commencement date of 1 November 2013 for provisions of the Act which enable:

- the appointment of the Health Ombudsman
- information to be disclosed to the Health Ombudsman in the interim period, and

- the negotiation and transfer of funds from the Australian Health Practitioner Regulation Agency (AHPRA), to reflect the cost of the Health Ombudsman performing functions under the Act that would otherwise have been performed by the national boards and AHPRA.

The committee did not identify any fundamental legislative principles issues.

Hospitals Foundations Amendment Regulation (No.1) 2013

The Hospitals Foundations Amendment Regulation (No.1) 2013 establishes the HIV Foundation Queensland (the Foundation) as a body corporate under section 7 of the *Hospitals Foundations Act 1982*.

The Ministerial Advisory Committee on HIV/AIDS will be disbanded and its funding will be re-directed to establish the Foundation.

The establishment of the Foundation will lessen the financial burden on Government as it will have the ability generate additional funding and establish trust funds that will attract external donations.

The committee did not identify any fundamental legislative principles issues.

3 Recommendation

The committee has examined the policy to be given effect by the subordinate legislation, the application of fundamental legislative principles and lawfulness and has not identified any significant issues.

Recommendation 1

That the Legislative Assembly notes the content of this report.



Trevor Ruthenberg MP

Chair