

**Subordinate legislation tabled between
27 August and 9 September 2014**

Report No. 61

Health and Community Services Committee

November 2014

Health and Community Services Committee

Chair	Mr Trevor Ruthenberg MP, Member for Kallangur
Deputy Chair	Mrs Jo-Ann Miller MP, Member for Bundamba
Members	Ms Ros Bates MP, Member for Mudgeeraba Dr Alex 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
Staff	Ms Sue Cawcutt, Research Director Ms Kathleen Dalladay, Principal Research Officer (part-time) Ms Stephanie Cash, Executive Assistant
Technical Scrutiny Secretariat	Ms Renée Easten, Research Director Mr Michael Gorringer, Principal Research Officer Ms Kellie Moule, Principal Research Officer (part-time) Mrs Gail Easten, 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

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 27 August and 9 September 2014.

2 Subordinate legislation examined

SL No.	Name of subordinate legislation	Date for disallowance
201	Health Legislation Amendment Regulation (No.3) 2014	12 February 2015
203	Marine Parks and Other Legislation Amendment Regulation (No.1) 2014	12 February 2015

2.1 Fundamental legislative principles

Health Legislation Amendment Regulation (No.3) 2014

The Health Legislation Amendment Regulation (No.3) 2014 (the amending regulation) amends the:

- Health Practitioners (Special Events Exemption) Regulation 2009 to specify that the G20 is a special event under the *Health Practitioners (Special Events Exemption) Act 1998*. This removes the health practitioner registration requirements for overseas health practitioners accompanying and providing health services to G20 delegates
- Research Involving Human Embryos and Prohibition of Human Cloning Regulation 2003 to update references to prescribed guidelines for the purposes of issuing licences, under the *Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003*, for research that involves the use of excess human embryos created through assisted reproductive technology are current
- Tobacco and Other Smoking Products Regulation 2010 to remove the need for mandatory signs at tobacco point of sale to be replaced annually and to provide instead for a permanent sign.

The committee did not identify any fundamental legislative principles issues.

The committee considered whether the Explanatory Notes tabled with the amending Regulation comply with section 24(2) of the *Legislative Standards Act 1992*, which requires Explanatory Notes to 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 Explanatory Notes provide information about consultation on the Tobacco and Other Smoking Products Regulation 2010. No information is provided about consultation on the Health Practitioners (Special Events Exemption) Regulation 2009 or the Research Involving Human Embryos and Prohibition of Human Cloning Regulation 2003.

The committee acknowledges that it may not be considered necessary or possible to consult on all pieces of subordinate legislation, including amendments which reflect changes to the titles of updated guidelines and amendments which impact on delegations from other countries.

In circumstances where no consultation is undertaken, the committee expects compliance with the requirement in section 24(2)(b) of the *Legislative Standards Act 1992*, to include a statement of the reason for no consultation.

Marine Parks and Other legislation Amendment Regulation (No.1) 2014

The Marine Parks and Other legislation Amendment Regulation (No.1) 2014 (the amending regulation) amends the:

- Fisheries Regulation 2008 to amend the boundary of the Maroochy declared Fish Habitat Area “to reinstate the Fish Habitat Area over tidal parts of two regional parks and make exclusions for erosion control, poor quality habitat and non-tidal (terrestrial) land”¹
- Marine Parks (Great Sandy) Zoning Plan 2006 and Marine Parks Regulation 2006 to “enhance access for commercial whale watching operators within Great Sandy and Moreton Bay Marine Parks”.²

The committee did not identify any fundamental legislative principles issues.

The committee considered that the Explanatory Notes tabled with the amending Regulation comply with part 4 of the *Legislative Standards Act 1992*.

3 Recommendation

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

Recommendation 1

That the Legislative Assembly note the content of this report and the committee’s conclusion that the subordinate legislation does not raise any significant issues regarding the application of fundamental legislative principles, and is lawful and within power.



Trevor Ruthenberg MP

Chair

1 Explanatory Notes for SL 2014 No. 203, Marine Parks and Other Legislation Amendment Regulation (No.1) 2014, p.1

2 Explanatory Notes for SL 2014 No. 203, p.1