

## Community Safety and Legal Affairs Committee

### Report No. 3, 57th Parliament

#### Subordinate legislation tabled between

15 November 2023 and 28 November 2023

### 1 Aim of this report

This report summarises the Community Safety and Legal Affairs Committee's (committee) findings following its examination of the subordinate legislation within its portfolio areas tabled between 15 November 2023 and 28 November 2023. It notes the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA)<sup>1</sup> and any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles<sup>2</sup> and lawfulness.

The report also notes any issues identified by the committee in its consideration of the compatibility of the subordinate legislation with the *Human Rights Act 2019* (HRA)<sup>3</sup> and the human rights certificates tabled with the subordinate legislation.<sup>4</sup>

### 2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date*
166	Proclamation - Justice and Other Legislation Amendment Act 2023	28 November 2023	18 April 2024

\*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

### 3 Committee consideration of the subordinate legislation



The committee did not identify any significant issues regarding the consistency with fundamental legislative principles, human rights compatibility or lawfulness of the subordinate legislation.

The committee considers that:

- the explanatory notes tabled with the subordinate legislation noted in this report comply with part 4 of the LSA

<sup>1</sup> LSA, Part 4.

<sup>2</sup> Fundamental legislative principles are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. These principles include requiring that legislation has sufficient regard to rights and liberties of individuals and the institution of Parliament. LSA, s 4.

<sup>3</sup> Section 8 of the HRA provides that a statutory provision is compatible with human rights if the provision does not limit a human right or limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA. Section 13 of the HRA provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

<sup>4</sup> HRA, s 41.

- the human rights certificate tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with human rights.

The following section provide a brief overview of the subordinate legislation.

#### 4 Proclamation - Justice and Other Legislation Amendment Act 2023

The Proclamation made under the *Justice and Other Legislation Amendment Act 2023* (SL No. 166) fixed 1 December 2023 as the commencement date for section 50 and parts 25, 34 and 35 of the Act.

The explanatory notes state that the specified provisions<sup>5</sup> of the Act ‘provide for the better recognition of the destruction of the life of unborn children as a result of offences committed in relation to a pregnant person’.<sup>6</sup>

#### 5 Recommendation

The committee recommends that the House notes this report.



Peter Russo MP

**Chair**

**February 2024**

#### Legal Affairs and Safety Committee

**Chair**

**Deputy Chair**

**Members**

Mr Peter Russo MP, Member for Toohey

Mr Mark Boothman MP, Member for Theodore

Mr Stephen Andrew MP, Member for Mirani

Ms Jonty Bush MP, Member for Cooper

Mr Jason Hunt MP, Member for Caloundra

Mr Jon Krause MP, Member for Scenic Rim

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<sup>5</sup> *Justice and Other Legislation Amendment Act 2023*, s 50 and parts 25, 34 and 35.

<sup>6</sup> Explanatory notes, p 1.