



QUEENSLAND PARLIAMENT **COMMITTEES**

Subordinate legislation tabled on 10 September 2024

State Development, Infrastructure and Works Committee



Report No. 3

58th Parliament, February 2025

Overview

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled on 10 September 2024. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (Legislative Standards Act).¹

The report also notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (Human Rights Act) and the human rights certificates tabled with the subordinate legislation.²

Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date*
162	Building and Construction Industry (Portable Long Service Leave) Regulation 2024	10 September 2024	13 March 2025
164	Planning Amendment Regulation 2024	10 September 2024	13 March 2025
170	Major Sports Facilities Amendment Regulation 2024	10 September 2024	13 March 2025
172	Brisbane Olympic and Paralympic Games Arrangements Amendment Regulation 2024	10 September 2024	13 March 2025
173	Work Health and Safety (Sexual Harassment) Amendment Regulation 2024	10 September 2024	13 March 2025
174	Work Health and Safety Amendment Regulation 2024	10 September 2024	13 March 2025
201	Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation 2024	10 September 2024	13 March 2025

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

The committee's findings following its examination of the following subordinate legislation are set out in a separate report (Report No. 2), tabled on 7 February 2025.

No.	Subordinate legislation	Date tabled	Disallowance date
188	Transport Operations (Marine Safety) Legislation Amendment Regulation 2024	10 September 2024	13 March 2025

¹ *Legislative Standards Act 1992*, part 4.

² *Human Rights Act 2019*, s 41.

Committee consideration of the subordinate legislation

Committee Comment



The committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, the lawfulness of the subordinate legislation, or non-compliance with the Human Rights Act.

The committee is satisfied that the explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the Legislative Standards Act and that the human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the Human Rights Act.

The remaining sections in this report provide a summary of the objectives of the subordinate legislation, consultation undertaken, and the committee's Legislative Standards Act and Human Rights Act considerations.

1 SL No. 162 – Building and Construction Industry (Portable Long Service Leave) Regulation 2024

The Building and Construction Industry (Portable Long Service Leave) Regulation 2024 (SL No. 162) remakes the Building and Construction Industry (Portable Long Service Leave) Regulation 2013 (BCI Regulation), which expired on 31 August 2024.³

SL No. 162 incorporates amendments arising from a sunset review conducted by the Office of Industrial Relations of the BCI Regulation. According to the explanatory notes, the review confirmed that provisions within the BCI Regulation are still necessary and appropriate however, minor changes are needed.⁴

The amendments in SL No. 162 include:

- minor updates to references to current legislation, transitional provisions, and wording to reflect current drafting practice
- a definition of the Wage Price Index using existing Australian Bureau of Statistics data to ensure the effective operation of ss 59A and 62AA of the *Building and Construction Industry (Portable Long Service Leave) Act 1991*
- minor amendments to the Industrial Relations (Tribunals) Rules 2011, Community Services Industry (Portable Long Service Leave) Regulation 2020 and Contract Cleaning Industry (Portable Long Service Leave) Regulation 2015 to update references to other legislation.⁵

³ Section 54 of the *Statutory Instruments Act 1992* provides that subordinate legislation automatically expires every 10 years unless action is taken to preserve it. The BCI Regulation was due to expire in 2023. However, a 12-month exemption extension was granted, until 31 August 2024; SL No. 162, explanatory notes, p 2.

⁴ SL No. 162, explanatory notes, p 2.

⁵ SL No. 162, explanatory notes, pp 2-3.

1.1 Consultation

The explanatory notes indicate that public and targeted consultation occurred during the development of the subordinate legislation and that there was general support for the BCI Regulation to be remade largely in its current form with minor technical updates.⁶

1.2 Legislative Standards Act 1992

The committee did not identify any issues of fundamental legislative principle.

1.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.

1.4 Human Rights Act 2019

The committee concluded that SL No. 162 is compatible with human rights.

1.5 Human rights certificate

The human rights certificate provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

2 SL No. 164 – Planning Amendment Regulation 2024

The Planning Amendment Regulation 2024 (SL No. 164) amends schedule 20 of the Planning Regulation 2017 which deals with development impacting on State transport infrastructure and thresholds.

Under the Planning Regulation, a development application for operational works, a material change of use (MCU) or reconfiguring a lot (ROL) impacting on state transport infrastructure trigger assessments by State Assessment and Referral Agency (SARA) where a proposed development exceeds a prescribed threshold.⁷

The explanatory notes state that one of these thresholds is resulting in certain developments being inappropriately captured for SARA assessment. To address this issue, SL No. 164 amends the threshold measure for operational works that involves filling or excavation over 10,000 tonnes where material is to be retained on site, and is not related to an MCU or ROL, to *not* be captured for assessment by the SARA.⁸

2.1 Consultation

The explanatory notes state that no consultation was undertaken outside of government agencies, ‘as the amendments are identified as consequential amendment changes and are required to reduce the administrative burden related to development assessment’.⁹

⁶ SL No. 162, explanatory notes, p 4, see also pp 2-3.

⁷ SL No. 164, explanatory notes, p 1.

⁸ SL No. 164, explanatory notes, p 1.

⁹ SL No. 164, explanatory notes, p 3.



2.2 **Legislative Standards Act 1992**

No issues of fundamental legislative principle were identified.

2.3 **Explanatory notes**

The explanatory notes comply with part 4 of the Legislative Standards Act.



2.4 **Human Rights Act 2019**

The committee concluded that SL No. 164 is compatible with human rights.

2.5 **Human rights certificate**

The human rights certificate provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

3 **SL No. 170 – Major Sports Facilities Amendment Regulation 2024**

The Major Sports Facilities Amendment Regulation 2024 (SL No. 170) amends the Major Sports Facilities Regulation 2014 to:

- increase the Brisbane Stadium (known as Lang Park or Suncorp Stadium) permanent concert cap from up to 6 to up to 12 concerts per calendar year commencing from 2025
- change the prescribed crowd size for major sport events at Brisbane Stadium from greater than 35,000 to greater than 45,000
- update addresses for 6 of the 9 declared major sports facilities.¹⁰

The explanatory notes state that the increase in permanent concert cap for Brisbane Stadium will ‘provide economic and social benefits at local, regional and state levels, satisfy demand for large concert events, support the recovering entertainment industry post the COVID-19 pandemic, and represent the views and support from the community gathered during consultation’.¹¹

In relation to the prescribed crowd size, the explanatory notes state that increasing the threshold will ‘enhance capacity to meet demand and host popular major sport events and, in turn, increase attractiveness of the venue and Brisbane as a potential host for future major national and international sport events and competitions, particularly in the leadup to the Brisbane 2032 Olympic and Paralympic Games’. The explanatory notes further add that ‘this will positively impact the visitor economy and increase revenue for local businesses, while also providing additional employment opportunities for the local population’.¹²

3.1 **Consultation**

The explanatory notes indicate that a comprehensive consultation process occurred.

The explanatory notes state that during the consultation period, 442 responses were received and a majority of respondents (81.3%) either agreed (9.9%) or strongly agreed (71.4%) that

¹⁰ SL No. 170, ss 3-5.

¹¹ SL No. 170, explanatory notes, p 6.

¹² SL No. 170, explanatory notes, p 7.

Brisbane Stadium should be permitted to hold up to 12 concerts per year on a permanent basis from 2025 onwards.¹³

The explanatory notes acknowledge that despite the strong support, 19.5% of respondents living within the Lang Park Traffic Area either disagreed (6.7%) or strongly disagreed (12.8%) with the proposal.¹⁴ These respondents were mostly concerned about the state of the Brisbane Stadium playing surface and the impacts associated with noise and changed traffic conditions.¹⁵

The explanatory notes state that 84.1% of respondents either agreed (16.4%) or strongly agreed (67.7%) with increasing the current prescribed crowd size for major sport events at Brisbane Stadium from greater than 35,000 to greater than 45,000. The explanatory notes acknowledged that despite this broad support, 15.2% of respondents living within the Lang Park Traffic area either disagreed (3%) or strongly disagreed (12.2%) with the proposal and that these responses addressed the negative impacts associated with larger crowd sizes such as noise, traffic congestion, and antisocial behaviour from patrons.¹⁶

The explanatory notes state that the results of consultation have been shared with Stadiums Queensland and the stadium operator to ensure relevant feedback can inform enhancement of transport and other operational management plans, wherever possible.¹⁷

3.2 Legislative Standards Act 1992



No issues of fundamental legislative principle were identified.

3.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.

3.4 Human Rights Act 2019



Section 8 of the Human Rights Act provides that a statutory provision is compatible with human rights if it does not limit a human right, or limits a human right only to the extent that is reasonable and demonstrably justifiable.

Section 13 of the Human Rights Act provides that a human right may be subject to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom. Section 13 sets out a range of factors that may be relevant in deciding whether a limit on a human right is reasonable and justifiable.

The committee considered the following human rights matters in its assessment of whether SL No. 170 is compatible with the Human Rights Act.

¹³ SL No. 170, pp 9-10.

¹⁴ SL No. 170, p 10.

¹⁵ SL No. 170, p 10.

¹⁶ SL No. 170, explanatory notes, p 10

¹⁷ SL No. 170, explanatory notes, p 11.

3.4.1 Right to freedom of movement, property and privacy

The human rights certificate raises the right to freedom of movement,¹⁸ right to property¹⁹ and right to privacy,²⁰ noting that an increased number of concert events will result in increased noise, traffic and parking restrictions, and increased activity the stadium in the lead up, during and post the event day. The certificate acknowledges that this may impact a person's quiet enjoyment of their home in the stadium's local area and their ability to move around their local area.²¹

The purpose of the limitation is described in the human rights certificate as being to meet current and medium-term expected demand of the venue as an urban-based stadium size concert venue. The certificate states that these changes are expected to deliver significant economic benefits at the local, regional and state level while also supporting the recovery of the arts and entertainment industry post the COVID-19 pandemic.²²

The human rights certificate states that there are a number of safeguards in place to mitigate the impact on the freedom of movement, property and privacy. This includes requirements in the Major Sports Facilities Regulation 2014 which require an operational management plan and a transport management plan to manage and mitigate concert impacts such as noise levels, light, pedestrian and traffic movement, and crowd behaviour.²³

The human rights certificate also notes that the impacts of the limitations are temporary in nature (being the days that concerts and sports events are held) and that a majority of local residents and businesses who responded to the consultation process were supportive of the changes.²⁴

Committee Comment



The committee is satisfied that SL No. 170 is compatible with the Human Rights Act and that potential limitations are reasonable and demonstrably justified in the circumstances. Central to the committee's consideration is the expected economic and social benefits to be achieved through the amendments, as well as the safeguards in place to reduce potential impacts on the local community.

¹⁸ Every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it and has the freedom to choose where to live (Human Rights Act, s 19).

¹⁹ All persons have the right to own property alone or in association with others. A person must not be arbitrarily deprived of the person's property (Human Rights Act, s 24).

²⁰ A person has the right not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and not to have the person's reputation unlawfully attacked (Human Rights Act, s 25).

²¹ SL No. 170, human rights certificate, pp 2-3.

²² SL No. 170, human rights certificate, p 4.

²³ SL No. 170, human rights certificate, p 5.

²⁴ SL No. 170, human rights certificate, pp 6-7.

3.5 Human rights certificate

The human rights certificate provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

4 SL No. 172 – Brisbane Olympic and Paralympic Games Arrangements Amendment Regulation 2024

The Brisbane Olympic and Paralympic Games Arrangements Amendment Regulation 2024 (SL No. 172) amends the Brisbane Olympic and Paralympic Games Arrangements Regulation 2024 to prescribe the following as venues²⁵ for the Brisbane 2032 Olympic and Paralympic Games (Games):

- Barlow Park, located on lot 761 on SP338643 in Cairns Regional Council²⁶
- Moreton Bay Indoor Sports Centre, to be developed within The Mill at Moreton Bay Priority Development Area under the *Economic Development Act 2021*.²⁷

According to the explanatory notes, SL No. 172 will enliven the Games Venue and Legacy Delivery Authority's (Authority)²⁸ ability to deliver the venues.²⁹

Committee Comment



SL No. 172 was tabled in the Legislative Assembly prior to the commencement of the 100-day Review of the Brisbane 2032 Olympic and Paralympic Games. The committee understands that the scope of the review as set out in the terms of reference includes new, upgraded and temporary venues. At the time of writing this report, the findings of the review had yet to be published.

4.1 Consultation

The explanatory notes provide that the Commonwealth Government was consulted during the development of the subordinate legislation, in recognition of the significant federal funding commitments that have been made to support to the delivery of the 2032 Games.³⁰

²⁵ Section 5A of the *Brisbane Olympic and Paralympic Games Arrangements Act 2021* provides that a venue is a site or facility, prescribed by regulation, that is to or may fulfil operational or sports-related needs for the Brisbane 2032 Olympic and Paralympic Games; SL No. 172, explanatory notes, p 1.

²⁶ According to the explanatory notes (p 2), this will include major upgrades to sporting and spectator facilities, including upgrading the existing stadium, increasing seating capacity to 5,000, sustainability features, improved amenities and better equipment for broadcasters, athletes and the public.

²⁷ The centre will provide 12 courts in an indoor sports centre with supporting change facilities, amenities and functional spaces; SL No. 172, explanatory notes, p 2.

²⁸ The Games Venue and Legacy Delivery Authority, which was established as an independent statutory body in July 2024, was renamed the 'Games Independent Infrastructure and Coordination Authority' in November 2024. Under the current arrangements, this entity is accountable for new and upgraded venues and other key planning activities.

²⁹ SL No. 172, explanatory notes, p 2.

³⁰ SL No. 172, explanatory notes, p 3.

The explanatory notes also state that planning and land acquisition powers in the *Brisbane Olympic and Paralympic Games Arrangements Act 2021* (BOPGA Act) will apply to venues once prescribed. These powers require a further regulation and at that point, any impacts on, and necessary consultation with, other agencies will be considered at that time.³¹

4.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

4.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.

4.4 Human Rights Act 2019

The human rights certificate raises various human rights.³² These are generally raised in the context of issues that may arise after the prescription of a venue, for example, where future regulations may declare a development for a venue is accepted development³³ or Priority Development Area accepted development,³⁴ or future regulations that declare an acquisition of land under the BOPGA Act.³⁵

Committee Comment



The committee is satisfied that SL No. 172 is compatible with the Human Rights Act and that the prescription of venues through SL No. 172 does not limit human rights directly.

4.5 Human rights certificate

The human rights certificate provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 SL No. 173 – Work Health and Safety (Sexual Harassment) Amendment Regulation 2024

The Work Health and Safety (Sexual Harassment) Amendment Regulation 2024 (SL No. 173) amends the Work Health and Safety Regulation 2011 (WHSR) to require a person conducting a business or undertaking (PCBU) to:

³¹ SL No. 172, explanatory notes, p 3.

³² For example, freedom of movement (s 19), freedom of expression (s 21), taking part in public life (s 23), property rights (s 24), privacy and reputation (s 25) of the Human Rights Act; SL No. 172, human rights certificate, pp 4-6.

³³ Under the *Planning Act 2016*.

³⁴ Under the *Economic Development Act 2012*.

³⁵ SL No. 172, human rights certificate, pp 3-6.

- manage the risk of sexual harassment and sex or gender-based harassment in accordance with the risk management process (for example, by identifying the risk and implementing, maintaining and reviewing control measures)
- have regard to relevant matters when selecting control measures (for example, personal or workplace characteristics that may increase the risk of sexual harassment and sex or gender-based harassment)
- review control measures if a report is made
- prepare and maintain a prevention plan.³⁶

SL No. 173 is intended to ‘protect workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work’.³⁷

According to the explanatory notes, SL No. 173 complements existing provisions in the Work Health and Safety Regulation 2011 regarding psychosocial risk, while recognising that the risk of sexual harassment and sex or gender-based harassment requires a specific regulatory response.³⁸

5.1 Consultation

The explanatory notes indicate that a comprehensive consultation process occurred and that most stakeholders expressed strong support for the amendment regulation, including the prevention plan, or had no concerns.³⁹

The explanatory notes state that four employer representative groups indicated general support for the need to ensure workplaces are safe but were of the view that existing requirements were adequate. Furthermore, additional regulation could add confusion and an unnecessary administrative burden and cost. The explanatory notes state that guidance material will be provided to support the implementation of SL No. 173.⁴⁰

5.2 Legislative Standards Act 1992

The committee considered the following issues of fundamental legislative principle as part of its assessment as to whether SL No. 173 complies with the Legislative Standards Act.



³⁶ SL No. 173, explanatory notes, pp 2-3.

³⁷ SL No. 173, human rights certificate, p 1.

³⁸ SL No. 173, explanatory notes, p 2.

³⁹ SL No. 173, explanatory notes, p 4.

⁴⁰ SL No. 173, explanatory notes, p 4.

5.2.1 Rights and liberties of individuals – penalties

Generally, penalties should be proportionate to the offences, and penalties within legislation should be consistent with each other.⁴¹ Further, in the context of subordinate legislation, where possible the maximum penalties should be limited (generally, to 20 penalty units).⁴²

SL No. 173 introduces the following offences, each attracting a maximum penalty of 60 penalty units (\$9,678),⁴³ where the person conducting the business or undertaking fails to:

- manage an identified risk to the health or safety of workers, or other persons, from sexual harassment and sex or gender-based harassment⁴⁴
- implement the prevention plan⁴⁵
- take reasonable steps to ensure workers are made aware of the prevention plan and know how to access it; and review the plan in the specified circumstances.⁴⁶

The explanatory notes do not consider the new offence provisions and maximum penalties in terms of their consistency with FLPs.

The WHSR includes a significant number of existing offence provisions, a considerable number of which attract maximum penalties of 60 penalty units (\$9,678).

Committee Comment



The committee is satisfied that the new offence provisions have sufficient regard to the rights and liberties of individuals. The penalties to be introduced appear proportionate to their offences and the purpose of the new offences appear appropriate and consistent with existing offences in the Work Health and Safety Regulation 2011.



5.3 Human Rights Act 2019

The committee concluded that SL No. 173 is compatible with human rights.

5.4 Human rights certificate

The human rights certificate provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

⁴¹ *Legislative Standards Act 1992*, s 4(2)(a); Office of the Queensland Parliamentary Counsel (OQPC), 'Fundamental legislative principles: the OQPC Notebook' (Notebook), p 120.

⁴² OQPC, Notebook, p 150.

⁴³ A penalty unit is \$161.30, Penalties and Sentences Regulation 2015, s 3; *Penalties and Sentences Act 1992*, ss 5, 5A.

⁴⁴ SL No. 173, s 12 (inserts WHSR, s 55H(1)).

⁴⁵ SL No. 173, s 12 (inserts WHSR, s 55H(3)).

⁴⁶ SL No. 173, s 12 (inserts WHSR, s 55H(4)).

6 SL No. 174 – Work Health and Safety Amendment Regulation 2024

The Work Health and Safety Amendment Regulation 2024 (SL No. 174) amends the Work Health and Safety Regulation 2011 to provide stronger regulatory frameworks for crystalline silica substance processing (CSS processing) and passenger ropeways.

Crystalline Silica Substances

The amendments in SL No. 174 gives effect to requirements in the national model Work Health and Safety Regulations (WHS Regulations) regarding CSS processing to protect workers across all industries from exposure to respirable crystalline silica (RCS).⁴⁷ In conjunction with the engineered stone ban, SL No. 174 is intended to prevent occupational injury, premature deaths, illness and healthcare burden from silicosis and silica-related diseases.⁴⁸

The amendments include:

- a duty for processing CSS to be controlled
- a requirement for PCBU's intending to carry out processing of CSS to undertake a risk assessment
- where the risk is assessed as high, to develop a silica risk control plan
- provide additional training for workers and determine if air monitoring and health monitoring is required for workers under the WHSR
- a requirement to report recorded exceedances of the workplace exposure standard for crystalline silica to the regulator.

The explanatory notes state that SL No. 174 will also apply to work on engineered stone products that are not benchtops, panels and slabs, sintered stone and porcelain, in addition to a range of other processes in industries such as tunnelling and quarrying.⁴⁹

Passenger ropeways and amusement device books

SL No. 174 also gives effect to requirements in the national model WHS Regulations regarding passenger ropeways (also known as cable cars or gondola rides).⁵⁰ This includes introducing requirements relating to:

⁴⁷ See safe work Australia, *Explanatory Statement – Model Work Health and Safety Regulations (Crystalline Silica Substances) Amendment 2024 – Model Provisions*, https://www.safeworkaustralia.gov.au/sites/default/files/2024-06/explanatory_statement_-_model_whs_regulations_crystalline_silica_substance_amendment_2024_-_29_may_2024.pdf; also <https://www.worksafe.qld.gov.au/news-and-events/newsletters/esafe-newsletters/esafe-editions/esafe/august-2024/new-regulations-to-control-high-risk-crystalline-silica-substance-activities>.

⁴⁸ SL No. 174, explanatory notes, p 3.

⁴⁹ SL No. 174, explanatory notes, p 3.

⁵⁰ Passenger ropeways are used primarily for transporting people, often over difficult or mountainous terrain. Queensland's passenger ropeways are the Skyrail Rainforest Cableway near Cairns (for tourists) and the Mt Bellenden Ker and Kareeya Hydro cable cars (for workers); SL No. 174, explanatory notes, p 3.

- operation
- storage
- maintenance, inspection and testing
- annual inspections
- plant design registration for any new passenger ropeway built after 1 January 2025
- plant design registration for alterations to the design of existing passenger ropeways, where the alteration may affect health or safety (this requirement comes into effect on 1 January 2027).

SL No. 174 includes a requirement for comprehensive inspections of critical components of passenger ropeways. It also gives effect to a requirement in the national model WHS Regulations regarding making an amusement device log book⁵¹ available to another person upon the device being relinquished, with the addition of a safeguard to prevent unnecessary disclosure of personal information that identifies workers.⁵² According to the explanatory notes, examples of identifying information captured the safeguard include a person's photograph or record of their training or qualifications.

SL No. 174 also includes a Queensland-specific requirement for a comprehensive inspection of critical components of a passenger ropeway,⁵³ which are similar to the existing major inspection requirement for amusement devices.⁵⁴

6.1 Consultation

The explanatory notes indicate that a comprehensive consultation process occurred.⁵⁵

In relation to CSS processing, the explanatory notes state that overall, there was strong support for further government intervention to reduce workplace exposure to RCS. A small number of stakeholders argued that the existing regulations were adequate.⁵⁶

In relation to the ropeways and amusement device log books, consultation occurred with ropeway owners, union representatives, and amusement device industry representatives.

⁵¹ An amusement device log book is used to keep records relevant to the safety of an amusement device (for example, details about repairing, erecting, storing and maintaining the device as well as annual and major inspections); SL No. 174, explanatory notes, p 5.

⁵² The safeguard requires the person with management or control of the amusement device to take all reasonable steps to ensure identifying information about a person who operated the device is removed from the log book before it is provided to another person when control of the device is being relinquished; SL No. 174, explanatory notes, p 5.

⁵³ SL No. 174, s 17 (inserts WHSR, s 241B), requires a comprehensive inspection of each critical component of a ropeway at the specified times; SL No. 174, explanatory notes, p 4.

⁵⁴ Introduced in 2019, following the Best Practice Review of Workplace Health and Safety Queensland 2017; WHSR, s 241A; SL No. 174, explanatory notes, p 4.

⁵⁵ SL No. 174, explanatory notes, p 8.

⁵⁶ SL No. 174, explanatory notes, p 8.



6.2 *Legislative Standards Act 1992*

The committee considered the following issues of fundamental legislative principle as part of its assessment as to whether SL No. 174 complies with the Legislative Standards Act.

6.2.1 *Rights and liberties of individuals – penalties*

SL No. 174 introduces numerous offences, each attracting a maximum penalty ranging from 12.5 penalty units (\$2,016.25) to 60 penalty units (\$9,678).

Generally, penalties should be proportionate to the offences, and penalties within legislation should be consistent with each other.⁵⁷ Further, in the context of subordinate legislation, where possible the maximum penalties should be limited (generally, to 20 penalty units).⁵⁸

The explanatory notes do not consider the new offence provisions and maximum penalties in terms of their consistency with FLPs.

As noted in the above consideration of SL No. 173 (section 5.2.1), the WHSR includes a significant number of existing offence provisions, a considerable number of which attract maximum penalties of 60 penalty units (\$9,678).

Committee Comment



The committee is satisfied that the new offence provisions have sufficient regard to the rights and liberties of individuals. The penalties to be introduced appear proportionate to their offences and the purpose of the new offences appear appropriate and consistent with existing offences in the Work Health and Safety Regulation 2011.

6.2.2 *Explanatory notes*

The explanatory notes comply with part 4 of the Legislative Standards Act.



6.3 *Human Rights Act 2019*

The committee considered the following human rights matter in its assessment of whether SL No. 174 is compatible with the Human Rights Act.

6.3.1 *Property*

All persons have the right to own property (alone or with others) and a person must not be arbitrarily deprived of their property.⁵⁹

The human rights certificate acknowledges that SL No. 174 may limit a person's right to property as they will no longer be able to freely process CSS, except in a controlled fashion with the appropriate measures consistent with the risk of the processing activity.⁶⁰

⁵⁷ *Legislative Standards Act 1992*, s 4(2)(a); OQPC, Notebook, p 120.

⁵⁸ OQPC, Notebook, p 150.

⁵⁹ *Human Rights Act 2019*, s 24.

⁶⁰ SL No. 174, human rights certificate, p 4.

The human rights certificate states that the purpose of the limitations is to improve the health and safety outcomes of workers and others when working with legacy engineered stone or processing CSS at a workplace and that the restrictions ‘are limited and of low impact when compared to the significant hazard of RCS inhalation’.⁶¹

The human rights certificate concludes that SL No. 174 strikes a fair balance between the health and safety benefits gained by introducing a stronger regulatory framework for working with CSS and any limitations on the rights that may result.⁶²

Committee Comment



The committee is satisfied that the limitation to property rights is reasonable and demonstrably justified in the circumstances.

6.4 Human rights certificate

The human rights certificate provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

7 SL No. 201 – Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation 2024

The Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation 2024 (SL No. 201), which commenced on 1 November 2024, amends the Heavy Vehicle (Mass, Dimension and Loading) National Regulation to provide a 500kg mass limit increase for heavy vehicles that are compliant with Vehicle Standard (Australian Design Rule 80/04 – Emission Control for Heavy Vehicles) 2023 (ADR 80/04).

The Australian Design Rules (ADRs), which are made under the *Road Vehicle Standards Act 2018* (Cth), implement national standards for road vehicle emissions, safety, and anti-theft. New road vehicles manufactured in Australia, and imported new or second-hand vehicles, must comply with relevant ADRs when they are first supplied to the Australian market.⁶³

As host jurisdiction for the Heavy Vehicle National Law (HVNL), Queensland must first pass HVNL amendments before they can be applied by other participating jurisdictions. According to the explanatory notes, SL No. 201 will ensure consistent heavy freight vehicle dimensions apply within the HVNL⁶⁴ participating jurisdictions.

⁶¹ SL No. 174, human rights certificate, p 4.

⁶² SL No. 174, human rights certificate, p 5.

⁶³ SL No. 210, explanatory notes, pp 1-2.

⁶⁴ The HVNL, which is contained in the Schedule to the *Heavy Vehicle National Law Act 2012*, is national scheme legislation for the regulation of heavy vehicles adopted as applied law by all participating jurisdictions, which includes Queensland, New South Wales, the Australian Capital Territory, Victoria, South Australia, and Tasmania; SL No. 210, explanatory notes, p 1.

SL No. 201 implements the unanimous agreement of the Infrastructure and Transport Ministers' Meeting,⁶⁵ which is said to ensure no productivity loss for heavy vehicles that are compliant with ADR 80/04.⁶⁶

The explanatory notes state that SL No. 201 'remains consistent with the main objectives and safety standards of the HVNL, while increasing uniformity and reducing administrative burden for heavy vehicle operators'.⁶⁷

7.1 Consultation

A consultation process concerning a mass increase of 500kg for ADR 80/04 compliant vehicles was undertaken by the National Transport Commission in conjunction with the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts to identify any potential barriers or impediments. The explanatory notes state that there was widespread support from all jurisdictions, the National Heavy Vehicle Regulator, and industry.⁶⁸

7.2 Legislative Standards Act 1992

The committee did not identify any issues of fundamental legislative principle.

7.3 Explanatory notes

The explanatory notes comply with part 4 of the Legislative Standards Act.

7.4 Human Rights Act 2019

The committee concluded that SL No. 201 is compatible with human rights.

7.5 Human rights certificate

The human rights certificate provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.



⁶⁵ The ITMM is responsible for overseeing national heavy vehicle reform. Council membership comprises Ministers from the Federal Government, each state and territory with portfolio responsibility for transport and infrastructure issues, and representatives from New Zealand and the Australian Local Government Association; SL No. 210, explanatory notes, p 2.

⁶⁶ SL No. 210, explanatory notes, p 2.

⁶⁷ SL No. 210, explanatory notes, p 3.

⁶⁸ SL No. 210, explanatory notes, p 4.



Recommendation 1

The committee recommends that the Legislative Assembly note this report.

Jim McDonald MP
Chair

State Development, Infrastructure and Works Committee

Chair	Mr Jim McDonald MP, Member for Lockyer
Deputy Chair	Ms Jonty Bush MP, Member for Cooper
Members	Mr Terry James MP, Member for Mulgrave
	Mr David Kempton MP, Member for Cook
	Mr Shane King MP, Member for Kurwongbah
	Mr Bart Mellish MP, Member for Aspley