



QUEENSLAND PARLIAMENT **COMMITTEES**

**Report on subordinate legislation tabled between
11 September 2024 and 6 December 2024**

State Development, Infrastructure and Works Committee



Report No. 4

58th Parliament, March 2025

Overview

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 11 September 2024 and 6 December 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 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
202	State Development and Public Works Organisation (Borumba Pumped Hydro Energy Storage Project Exploratory Works) Amendment Regulation 2024	28 November 2024	30 April 2025
203	Work Health and Safety (Amenities for Construction Work) Amendment Regulation 2024	28 November 2024	30 April 2025
208	Economic Development (Affordable Housing) Amendment Regulation 2024	28 November 2024	30 April 2025
223	Transport and Other Legislation Amendment (Postponement) Regulation 2024	28 November 2024	30 April 2025
224	Transport Operations (Road Use Management—Accreditation and Other Provisions) (AIS approvals) Amendment Regulation 2024	28 November 2024	30 April 2025
225	Transport Legislation Amendment Regulation (No. 2) 2024	28 November 2024	30 April 2025
226	Brisbane Olympic and Paralympic Games Arrangements Amendment Regulation (No. 2) 2024	28 November 2024	30 April 2025
235	Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2024	28 November 2024	30 April 2025
237	Proclamation made under the <i>Manufactured Homes (Residential Parks) Amendment Act 2024</i>	28 November 2024	30 April 2025
238	Manufactured Homes (Residential Parks) Amendment Regulation 2024	28 November 2024	30 April 2025


¹ *Legislative Standards Act 1992* (Legislative Standards Act), Part 4.

² *Human Rights Act 2019* (Human Rights Act), s 41.

No.	Subordinate legislation	Date tabled	*Disallowance date
239	Proclamation made under the <i>Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2024</i>	28 November 2024	30 April 2025
241	Electrical Safety and Other Legislation Amendment Regulation 2024	28 November 2024	30 April 2025
248	Planning (Rural Workers' Initiative and Other Matters) Amendment Regulation 2024	28 November 2024	30 April 2025
--	Rail Safety National Law National Regulations (Fees) Amendment Regulations 2024	6 December 2024	30 April 2025

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

Committee consideration of the subordinate legislation

Committee Comment	
	<p>The committee did not identify any significant issues regarding the policy to be given effect, consistency with fundamental legislative principles, the lawfulness of the subordinate legislation, or compliance with the Human Rights Act.</p> <p>The committee considers that the explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the Legislative Standards Act.</p> <p>The committee considers 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.</p> <p>The following sections of 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.</p>

1 SL No. 202 – State Development and Public Works Organisation (Borumba Pumped Hydro Energy Storage Project Exploratory Works) Amendment Regulation 2024

The State Development and Public Works Organisation (Borumba Pumped Hydro Energy Storage Project Exploratory Works) Amendment Regulation 2024 (SL No. 202) amends the State Development and Public Works Organisation Regulation 2020 to:

- direct Queensland Hydro to undertake the specified project works

- direct the Coordinator-General to undertake the specified facilitation works.³

The exploratory works will inform the project design development and constructability of the of the Borumba Pumped Hydro Energy Storage Project Main Works and aid data capture to inform the environmental impact statement.

The exploratory works are scheduled to commence in late-2024 and be completed by late-2026.⁴ According to the explanatory notes, SL No. 202 will ‘support the timely delivery of the exploratory works, which will support the delivery of the Borumba pumped hydro energy storage project and the meeting of Queensland’s legislated renewable energy targets’.⁵

SL No. 202:

- removes the requirement for development permits and approvals under the relevant local planning scheme for the Project Works⁶
- enlivens powers and functions of the Coordinator-General to facilitate works reasonably required to support the Project Works that can be carried out by using Coordinator-General powers or functions under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).⁷

The explanatory notes state:

The works that would usually be assessed through the local planning scheme, will be considered by the Coordinator-General and managed through a traffic impact assessment, a construction environmental management plan and supporting management plans, to be submitted to the Coordinator-General and agreed prior to commencement of construction. These plans will also be published on Queensland Hydro’s website.

The majority of the exploratory works cannot commence without first obtaining approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), which are currently under assessment by the Australian Department of Climate Change, Energy, the Environment and Water.⁸

1.1 Consultation

The explanatory notes state that an Indigenous Land Use Agreement (ILUA) between the Kabi Kabi First Nation Traditional Owners Native Title Group (Kabi Kabi People) and Queensland Hydro authorises the exploratory works to be carried out within agreed ILUA areas. Queensland Hydro has committed to continued consultation with the Kabi Kabi People throughout the Project Works and facilitation works, and to preparing a Social Assessment Management Plan and Community Stakeholder Engagement Plan for the exploratory works.⁹

³ SL No. 202, explanatory notes, p 2.

⁴ SL No. 202, explanatory notes, p 2.

⁵ SL No. 202, explanatory notes, p 2.

⁶ SL No. 202, explanatory notes, p 2.

⁷ SL No. 202, explanatory notes, p 2.

⁸ SL No. 202, explanatory notes, p 2.

⁹ SL No. 202, explanatory notes, pp 3-4.

The explanatory notes also state that the Office of the Coordinator-General will continue to consult with Gympie and Somerset Regional Councils and the Department of Transport and Main Roads in relation to implementation of the works.¹⁰



1.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

1.3 Explanatory notes

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



1.4 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 potential limitations on human rights in its assessment of whether SL No. 202 is compatible with the Human Rights Act.

1.4.1 Right to freedom of expression; right to take part in public life; right to a fair hearing

SL No. 202 could limit the rights to freedom of expression,¹¹ to take part in public life,¹² and to a fair hearing.¹³ This is because public notification processes, third party consultation and appeal rights under the *Planning Act 2016* will not be available as they would have been if the exploratory works had required an impact assessable development application under the relevant local planning schemes and instruments.¹⁴

The human rights certificate elaborates:

Local categorising instruments will be prohibited from stating the exploratory works are assessable development by operation of Schedule 6 of the *Planning Regulation 2017*...

¹⁰ SL No. 202, explanatory notes, p 4.

¹¹ Every person has the right to hold an opinion without interference, and to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds; Human Rights Act, s 21.

¹² Every person in Queensland has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representatives; Human Rights Act, s 23.

¹³ A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing; Human Rights Act, s 31.

¹⁴ SL No. 202, human rights certificate, pp 2, 4, 9.

The exploratory works will therefore progress without the requirement for Queensland Hydro, as the local body, to seek development approvals from the respective local councils, which may have otherwise been subject to public notification requirements.¹⁵

...

The removal of the requirement for a statutory public notification process and the ability to make a submission that then enlivens appeal rights is a consequence of the statutory framework under the Planning Regulation that enables significant projects to proceed on a streamlined and urgent basis. ...¹⁶

The human rights certificate concludes that, when balancing the rights to freedom of expression, to take part in public life, and to a fair hearing, with ‘the urgent need to facilitate the commencement of exploratory works for the Borumba PHES Project’, SL No. 202 is considered to be in line with community expectations.¹⁷

1.4.2 Property rights

SL No. 202 could also limit property rights¹⁸ as it enlivens functions and powers of the Coordinator-General which include opening, closing, or otherwise rearranging roads, and it enables the Coordinator-General to exercise compulsory access and acquisition powers under the SDPWO Act.¹⁹

According to the human rights certificate:

Queensland Hydro has indicated it has, or will have, established tenure agreements with landholders and rights to access the properties on which all components of exploratory works are located. Property acquisition is therefore not envisaged for the exploratory works.

Any potential land acquisition would require further consultation with, and consideration by, the Coordinator-General, as well consultation with affected landowners. The exercise of powers is subject to the process under the SDPWO Act and / or the *Acquisition of Land Act 1967* and payment of compensation. ...²⁰

The former Minister concludes in the human rights certificate that, when balancing the extent of the limitation to property rights, in relation to the purpose of streamlining approvals, SL No. 202 is considered to be in line with community expectations.²¹

Committee Comment



The committee is satisfied that SL No. 202 is compatible with the Human Rights Act and that identified limitations are reasonable and demonstrably justified in the circumstances.

¹⁵ SL No. 202, human rights certificate, pp 3, 4, 9.

¹⁶ SL No. 202, human rights certificate, p 9.

¹⁷ SL No. 202, human rights certificate, pp 4, 5, 10.

¹⁸ All persons have a right to own property alone or in association with others and a person must not be arbitrarily deprived of the person's property; Human Rights Act, s 24.

¹⁹ SL No. 202, human rights certificate, p 6.

²⁰ SL No. 202, human rights certificate, p 6.

²¹ SL No. 202, human rights certificate, p 7.

1.5 Human rights certificate

The human rights certificate tabled with SL No. 202 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

2 SL No. 203 – Work Health and Safety (Amenities for Construction Work) Amendment Regulation 2024

The Work Health and Safety (Amenities for Construction Work) Amendment Regulation 2024 (SL No. 203) amends the Work Health and Safety Regulation 2011 to:

- ensure that principal contractors have a duty to provide toilets that are reasonably available to construction persons performing construction work
- specify the minimum number of toilets and designated female toilets that are required on small construction projects (construction work costing less \$7.5 million), large construction projects (construction work costing over \$7.5 million), and multilevel buildings
- set out a range of factors that a principal contractor should consider when determining if toilets, including designated female toilets, are reasonably available
- specify additional requirements to ensure the needs of female construction persons are met, including safe, secure and timely access to designated female toilets and that these facilities include fit-for-purpose amenities, such as sanitary bins
- provide examples of how a principal contractor may meet their duty to consider the number and placement of toilets on construction projects.²²

Principal contractors are required to meet the new requirements from 1 January 2025.

According to the explanatory notes, SL No. 203 ‘aims to improve access to safe and hygienic facilities and amenities, including toilets, sanitary item disposal and hand washing facilities for women working in construction’ to promote equal opportunity for women working in the construction industry.²³

2.1 Consultation

According to the explanatory notes the issue of inadequate facilities was identified during the 2022 *Review of the Work Health and Safety Act 2011* (WHS Act Review). Targeted consultation was undertaken with government agencies, industry organisations and unions. The notes state that this consultation identified a range of issues which have been addressed in the subordinate legislation ‘where possible’, while other out-of-scope feedback will be used to inform further implementation the findings of the WHS Act Review.²⁴



2.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

²² SL No. 203, explanatory notes, p 2.

²³ SL No. 203, explanatory notes, p 3.

²⁴ SL No. 203, explanatory notes, pp 4-5.

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. 203 is compatible with human rights.

2.5 Human rights certificate

The human rights certificate tabled with SL No. 203 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

3 SL No. 208 – Economic Development (Affordable Housing) Amendment Regulation 2024

The Economic Development (Affordable Housing) Amendment Regulation 2024 (SL No. 208) amends the Economic Development Regulation 2023 (ED Regulation) to prescribe the criteria to be satisfied for housing to be affordable for the purposes of the *Economic Development Act 2012* (ED Act) for the following types of households:

- very low income household (a household that has a gross household income of 50% or less than the median household income for the local government area in which the household is situated)
- low to moderate income household (a household that has a gross household income of more than 50% and less than 120% of the median household income for the local government area in which the household is situated)
- key worker household (a household that has gross household income within the range nominated in a housing needs analysis for identifying a key worker household for the priority development area in which the household is situated)
- first home buyer household (a household that has a gross household income within the range nominated in a housing needs analysis for identifying a first home buyer household for the priority development area in which the household is situated).²⁵

The explanatory notes states that the amendments are required to support the Minister for Economic Development Queensland's functions and powers to provide for affordable housing under the ED Act.²⁶

3.1 Consultation

The explanatory notes state that consultation was undertaken on the policy intent and proposed criteria and that this informed the preparation of the regulation. Details of the

²⁵ SL No. 208, s 3.

²⁶ SL No. 208, explanatory notes, p 2.

parties consulted were not provided however, it is noted that consultation indicated in principle support for the criteria.²⁷



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**

The committee concluded that SL No. 208 is compatible with human rights.

3.5 **Human rights certificate**

The human rights certificate tabled with SL No. 208 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

4 **SL No. 223 – Transport and Other Legislation Amendment (Postponement) Regulation 2024**

The Transport and Other Legislation Amendment (Postponement) Regulation 2024 (SL No. 223) postpones the automatic commencement of the safety duty framework for road-based public passenger services contained in part 8, division 3 of the *Transport and Other Legislation Amendment Act 2024* to 20 February 2026. The safety duty related amendments would have commenced automatically on 20 February 2025 unless the commencement was postponed in accordance with the *Acts Interpretation Act 1954*.²⁸

According to the explanatory notes:

The safety duty framework ... aims to reduce prescriptive regulation of industry without compromising the safety of road-based public passenger services. Implementation of the new framework necessitates resolution of complex regulatory and operational policies, the preparation of regulation amendments, further engagement with industry and the development of guidance and communication material to assist industry transition to the new framework.²⁹

It is necessary to postpone the automatic commencement of the safety duty and standards related provisions in the Amendment Act [*Transport and Other Legislation Amendment Act 2024*] until a later date to enable appropriate consultation with industry and regulatory and operational tasks to be completed before the new safety duty framework applies to industry. ...³⁰



4.1 **Legislative Standards Act 1992**

No issues of fundamental legislative principle were identified.

²⁷ SL No. 208, explanatory notes, p 3.

²⁸ SL No. 223, explanatory notes, p 1.

²⁹ SL No. 223, explanatory notes, p 1.

³⁰ SL No. 223, explanatory notes, p 2.

4.2 Explanatory notes

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



4.3 Human Rights Act 2019

The committee concluded that SL No. 223 is compatible with human rights.

4.4 Human rights certificate

The human rights certificate tabled with SL No. 223 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 SL No. 224 – Transport Operations (Road Use Management—Accreditation and Other Provisions) (AIS approvals) Amendment Regulation 2024

The Transport Operations (Road Use Management—Accreditation and Other Provisions) (AIS approvals) Amendment Regulation 2024 (SL No. 224) amends the Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015 to:

- require Approved Inspection Station (AIS) participants to complete approved training to retain their approval or accreditation
- require AIS applicants to complete approved training to be granted an approval or accreditation.³¹

According to the explanatory notes, the policy objective is to ensure that only AIS participants and AIS applicants who are trained to the required standard can operate an AIS or carry out a vehicle inspection, thereby reducing the risk of unsafe vehicles passing inspections and being driven on Queensland roads.³²

The training modules (developed by TAFE Queensland) have been designed to provide education and information about the responsibilities and operating requirements involved in operating an AIS and conducting vehicle inspections.³³

5.1 Consultation

The explanatory notes detail extensive consultation with AIS participants in the development of the training proposal in 2016 and 2023. The Motor Trades Association Queensland and the Australian Automotive Aftermarket Association also provided feedback and were generally supportive, while raising concerns about non-compliance and about the financial impact of training requirements on industry. According to the explanatory notes:

Concerns about the potential cost of training have been addressed by making the completion of an approved training course a once-only requirement and by subsidisation of the full cost of training for existing participants. Concerns about deliberate non-compliance in the industry are

³¹ SL No. 224, explanatory notes, p 2.

³² SL No. 224, explanatory notes, p 1.

³³ SL No. 224, explanatory notes, p 1.

being addressed through TMR's [Department of Transport and Main Road's] establishment of a taskforce to tackle non-compliant and fraudulent vehicle safety certificates.³⁴



5.2 *Legislative Standards Act 1992*

The committee considered the following issues of fundamental legislative principle as part of its assessment of whether SL No. 224 complies with the Legislative Standards Act.

5.2.1 *Retrospectivity*

Legislation should not adversely affect rights and liberties, or impose obligations, retrospectively.³⁵

SL No. 224 provides that a nominee must successfully complete training courses approved for a nominee, including if the person's application for approval as a nominee was granted before the commencement of the amendments. Failure to do so within the completion period for the training gives the chief executive a ground to suspend or cancel the person's approval as a nominee.³⁶

Further, SL No. 224 provides that the holder of an existing AE accreditation or AIS approval must successfully complete any relevant approved training course within the completion period. Failure to do so gives the chief executive a ground to suspend or cancel the accreditation or approval.³⁷

These provisions create an obligation that, for some holders, must be met during the period of the accreditation or approval. This could be considered to impose obligations retrospectively because the nominee, AE, or AIS approval holder may have held an expectation that they would not be required to complete additional education or training except as a condition for the grant or renewal of their accreditation or approval.³⁸

The explanatory notes justify any retrospectivity on the basis that if the training requirements were only introduced for new grant or renewal applications, it 'would result in inequity in the obligations for new applicants versus existing participants, and inconsistency in the standards of AIS participants, with poorer outcomes for consumers'.³⁹

Committee Comment



The committee is satisfied that any retrospective impact is justified, noting the policy intent of the subordinate legislation to ensure equity between all AIS participants and the overall consistency in AIS standards.

³⁴ SL No. 224, explanatory notes, pp 5-6.

³⁵ Legislative Standards Act, s 4(3)(g).

³⁶ SL No. 224, s 13; explanatory notes, p 4.

³⁷ SL No. 224, ss 5, 17; explanatory notes, p 4.

³⁸ SL No. 224, explanatory notes, p 4.

³⁹ SL No. 224, explanatory notes, p 4.

5.2.2 General rights and liberties of individuals – penalties

Generally, penalties should be proportionate to offences, and penalties within legislation should be consistent with each other.⁴⁰

SL No. 224 introduces a new offence for a person who completes a training course on behalf of another person. The maximum penalty is 40 penalty units (\$6,452).⁴¹

The explanatory notes state that this offence is consistent with, and has been modelled on, a similar offence provision contained in section 191 (Offence of taking road rules test for another person) of the Transport Operations (Road Use Management – Driver licensing) Regulation 2021.⁴² While the explanatory notes do not consider this penalty provision in the context of fundamental legislative principles, the provision appears to align with the general policy intent to ensure that only AIS participants and AIS applicants who are trained to the required standard can operate an AIS or carry out a vehicle inspection.⁴³

Committee Comment



The committee is satisfied that the new offence provisions have sufficient regard to the rights and liberties of individuals and that the penalties to be introduced appear proportionate and consistent with similar penalties.

5.3 Explanatory notes

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



5.4 Human Rights Act 2019

The committee concluded that SL No. 224 is compatible with human rights.

5.5 Human rights certificate

The human rights certificate tabled with SL No. 224 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

6 SL No. 225 – Transport Legislation Amendment Regulation (No. 2) 2024

The Transport Legislation Amendment Regulation (No. 2) 2024 (SL No. 225) excludes parking and no stopping sign contraventions from the schedule of demerit point offences in the Transport Operations (Road Use Management – Driver Licensing) Regulation 2021.⁴⁴

⁴⁰ Legislative Standards Act, s 4(2)(a).

⁴¹ A penalty unit is \$161.30. Penalties and Sentences Regulation 2015, s 3.

⁴² SL No. 224, explanatory notes, p 2.

⁴³ SL No. 224, explanatory notes, p 1.

⁴⁴ SL No. 225, s 3.

According to the explanatory notes, ‘the application of demerit points is not viewed as an appropriate sanction for these minor offences, particularly given they are also subject to penalties (fines)’ and in practice, ‘demerit points are not applied for these contraventions and there is a community expectation that this will remain the case’.⁴⁵

SL No. 225 also updates the Transport Operations (Road Use Management – Road Rules) Regulation 2009 (Queensland Road Rules) with recent amendments to the Australian Road Rules. These amendments include:

- correcting images depicting painted traffic islands
- exempting cyclists from the requirement to keep to the far left when they are approaching entering or riding in a single-lane roundabout
- removal of gendered language
- expanding the application of B light (bus traffic light) rules to include bus only lanes as well as bus lanes
- clarifying what ‘properly adjusted and fastened’ means for lap, and lap and sash seatbelts.⁴⁶

In addition, SL No. 225 makes minor corrections and clarifications to the Queensland Road Rules and prescribes additional types of ‘digital authorities’ that can be legally recognised on the Queensland Digital Licence app.⁴⁷

6.1 Consultation

The explanatory notes indicate that consultation was undertaken with Royal Automobile Club of Queensland, Local Government Association of Queensland, Queensland Law Society, Queensland Bus Industry Council, Queensland Trucking Association, Bicycle Industries Australia, Livestock and Rural Transporters Association of Queensland, noting that ‘stakeholders were either supportive or had no comments on the proposed changes’.⁴⁸ No external consultation occurred in relation to the amendment to prescribe additional authority types to be recognised as digital authorities.⁴⁹



6.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

6.3 Explanatory notes

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



6.4 Human Rights Act 2019

The committee concluded that SL No. 225 is compatible with human rights.

⁴⁵ SL No. 225, explanatory notes, p 1.

⁴⁶ SL No. 225, explanatory notes, p 2.

⁴⁷ SL No. 225, explanatory notes, p 2.

⁴⁸ SL No. 225, explanatory notes, p 6.

⁴⁹ SL No. 225, explanatory notes, p 6.

6.5 Human rights certificate

The human rights certificate tabled with SL No. 225 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

7 SL No. 226 – Brisbane Olympic and Paralympic Games Arrangements Amendment Regulation (No. 2) 2024

The Brisbane Olympic and Paralympic Games Arrangements Amendment Regulation (No. 2) 2024 (SL No. 226) amends the Brisbane Olympic and Paralympic Games Arrangements Regulation 2024 to prescribe the Logan Indoor Sports Centre as a venue for the Brisbane 2032 Olympic and Paralympic Games (Games).⁵⁰ The Logan Indoors Sports Centre is to be developed on Democracy Way, Logan Central.⁵¹

According to the explanatory notes:

The proposed new Logan Indoor Sports Centre will provide nine indoor courts across two halls with supporting change facilities, amenities and functional spaces. The venue will be suitable for a range of indoor sports including badminton, basketball, futsal, netball and volleyball, and community uses and may attract more events to the region.⁵²

Prescribing the Logan Indoor Sports Centre as a venue enables the Games Venue and Legacy Delivery Authority⁵³ to deliver the venue.⁵⁴

Committee Comment



SL No. 226 was tabled in the Legislative Assembly prior to the commencement of the 100-day Review of the Brisbane 2032 Olympic and Paralympic Games. 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 were yet to be published.

7.1 Consultation

The explanatory notes explain that the Commonwealth Government was consulted during development of SL No. 226, ‘in recognition of the significant funding commitment made by the Commonwealth Government towards the Minor Venues Program under the Brisbane 2032 Olympic and Paralympic Games Intergovernmental Agreement’.⁵⁵

⁵⁰ SL No. 226, s 3.

⁵¹ SL No. 226, explanatory notes, p 1.

⁵² SL No. 226, explanatory notes, p 2.

⁵³ 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. The entity is accountable for new and upgraded venues and other key planning activities.

⁵⁴ SL No. 226, explanatory notes, p 2.

⁵⁵ SL No. 226, explanatory notes, p 3.



7.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

7.3 Explanatory notes

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



7.4 Human Rights Act 2019

The human rights certificate tabled with SL No. 225 raises various human rights.⁵⁶ 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 development⁵⁷ or Priority Development Area accepted development,⁵⁸ or future regulations that declare an acquisition of land under the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*.⁵⁹

Committee Comment



The committee is satisfied that the subordinate legislation is compatible with the Human Rights Act and that the prescription of the Logan site as a venue through SL No. 226 does not limit human rights directly.

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.

8 SL No. 235 – Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2024

The Electrical Safety (Codes of Practice) and Other Legislation Amendment Notice 2024 (SL No. 235) amends the Electrical Safety (Codes of Practice) Notice 2024 to give notice of amendments to the:

- Construction and Operation of Solar Farms Code of Practice 2024
- Electrical Safety Code of Practice 2020 - Electrical Equipment Rural Industry
- Electrical Safety Code of Practice 2021 - Managing Electrical Risks in the Workplace.⁶⁰

SL No. 235 also amends the Work Health and Safety (Codes of Practice) Notice 2022 to give notice of variations to the:

⁵⁶ For example, freedom of movement (HRA, s 19), freedom of expression (HRA, s 21), taking part in public life (HRA, s 23), property rights (HRA, s 24), privacy and reputation (HRA, s 25). SL No. 226, human rights certificate, pp 3-7.

⁵⁷ Under the *Planning Act 2016*.

⁵⁸ Under the *Economic Development Act 2012*.

⁵⁹ SL No. 226, human rights certificate, pp 3-7.

⁶⁰ SL No. 235, pt 2; explanatory notes, p 1.

- Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice 2021
- Sugar Mill Safety Code of Practice 2024
- Construction and Operation of Solar Farms Code of Practice 2024.⁶¹



8.1 *Legislative Standards Act 1992*

No issues of fundamental legislative principle were identified.

8.2 *Explanatory notes*

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



8.3 *Human Rights Act 2019*

The committee concluded that SL No. 235 is compatible with human rights.

8.4 *Human rights certificate*

The human rights certificate tabled with SL No. 235 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

9 *SL No. 237 – Proclamation made under the *Manufactured Homes (Residential Parks) Amendment Act 2024**

The Proclamation made under the *Manufactured Homes (Residential Parks) Amendment Act 2024* fixes a commencement date of 20 February 2025 for certain provisions⁶² (relating to park comparison documents and the registration of parks) of the Act.



9.1 *Legislative Standards Act 1992*

No issues of fundamental legislative principle were identified.

9.2 *Explanatory notes*

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



9.3 *Human Rights Act 2019*

The committee concluded that SL No. 237 is compatible with human rights.

9.4 *Human rights certificate*

The human rights certificate tabled with SL No. 237 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

⁶¹ SL No. 235, pt 3; explanatory notes, p 1.

⁶² Sections 31, 47, 48, 49 (other than to the extent it inserts ss 199 to 202) and 51(2) (to the extent it inserts certain definitions); see SL No. 237, explanatory notes, pp 1-2.

10 SL No. 238 – Manufactured Homes (Residential Parks) Amendment Regulation 2024

The *Manufactured Homes (Residential Parks) Act 2003* requires that all residential parks develop a park comparison document (containing information about site rent and the frequency and basis for site rent increases, communal facilities, services and amenities included and available in the park, and other key information); display the comparison document on a website for the residential park (unless exempted from this requirement); and provide the comparison document to prospective home owners upon request.⁶³

The Manufactured Homes (Residential Parks) Amendment Regulation 2024 (SL No. 238), which commenced on 20 February 2025,⁶⁴ amends the Manufactured Homes (Residential Parks) Regulation 2017 to prescribe additional content for park comparison documents and registration requirements for new residential parks.⁶⁵

SL No. 238:

- specifies that residential parks are exempt from hosting their park comparison document on a website where they contain 15 or fewer manufactured home sites
- prescribes additional information for the comparison document to include, for example, the address and real property description of the residential park and the name and contact details of the park owner
- prescribes additional information to be included in or attached to an application to register a park, including for example, a copy of any development approvals for the planning and construction of the residential park, whether the residential park will contain other types of accommodation in addition to owner-occupied manufactured homes, and other residential parks operated by the park owner
- prescribes additional information that may be kept on the register of residential parks including:
 - the information included in, or that accompanied, an application to register a residential park
 - the park comparison document or information contained in the document
 - whether the park has commenced operating
 - the date the park commenced operating.⁶⁶

10.1 Consultation

The explanatory notes detail consultation that was undertaken with industry and consumer representative stakeholders during 2024 on draft forms and proposed requirements for residential park comparison documents and registration applications. Concerns about some

⁶³ SL No. 238, explanatory notes, p 1.

⁶⁴ SL No. 238, s 2.

⁶⁵ SL No. 238, explanatory notes, pp 1, 2.

⁶⁶ SL No. 238, explanatory notes, pp 3-4.

of the proposed requirements for registration forms and the collection of other details were addressed or ‘will be implemented in the approved forms where appropriate’.⁶⁷



10.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

10.3 Explanatory notes

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



10.4 Human Rights Act 2019

The committee considered the following potential limitations on human rights in its assessment of whether SL No. 238 is compatible with the Human Rights Act.

10.4.1 Right to privacy

A person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and not to have their reputation unlawfully attacked.⁶⁸

The human rights certificate acknowledges that the amendments in SL No. 238 prescribing information which must form part of an application for registration of a residential park engage the right to privacy and reputation.⁶⁹ This relates to the requirement for park owners (as it applies to individuals) to provide name and contact details for inclusion in a publicly searchable register.⁷⁰

The human rights certificate states that the purpose of the amendments is to:

... ensure that members of the public who may be considering entering into a site agreement for a particular residential park can identify the park owner, manager or land owner and make inquiries about the park and its history of operations. This information also contributes to the department’s role as regulator in providing effective oversight of the sector on behalf of consumers and the broader community.⁷¹

The former Minister states that the subordinate legislation’s consumer protection measures are ‘the only way to ensure that prospective home owners can identify the owner and contact them’.⁷² Given there is no other reasonably available way to achieve this purpose, the former Minister concludes that the impact on the right to privacy is reasonable and proportionate.⁷³

⁶⁷ SL No. 238, explanatory notes, p 6.

⁶⁸ Human Rights Act, s 25.

⁶⁹ SL No. 238, human rights certificate, p 4.

⁷⁰ SL No. 238, human rights certificate, p 5.

⁷¹ SL No. 238, human rights certificate, p 5.

⁷² SL No. 238, human rights certificate, p 6.

⁷³ SL No. 238, human rights certificate, p 6.

Committee Comment

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

10.5 Human rights certificate

The human rights certificate tabled with SL No. 238 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

11 SL No. 239 – Proclamation made under the *Workers’ Compensation and Rehabilitation and Other Legislation Amendment Act 2024*

The Proclamation made under the *Workers’ Compensation and Rehabilitation and Other Legislation Amendment Act 2024* fixes the following days for the commencement of the specified provisions of that Act:

- 27 September 2024 for sections 24, 26 and 59 – these provisions ‘enable a regulation extending workers’ compensation coverage to be made in response to a minimum standards order, minimum standards guideline, or relevant collective agreement made or registered by the Fair Work Commission under new provisions of the *Fair Work Act 2009* (Cth)’⁷⁴
- 1 January 2025 for all remaining provisions – these provisions amend existing legislation by ‘requiring information statements about the workers’ compensation scheme to be given to workers (by their employer) and workers and employers (by the insurer) on commencement of employment and on lodgement of a workers’ compensation claim, respectively’.⁷⁵

**11.1 Legislative Standards Act 1992**

No issues of fundamental legislative principle were identified.

11.2 Explanatory notes

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

**11.3 Human Rights Act 2019**

The committee concluded that SL No. 239 is compatible with human rights.

11.4 Human rights certificate

The human rights certificate tabled with SL No. 239 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

⁷⁴ SL No. 239, explanatory notes, p 1.

⁷⁵ Remaining provisions being ss 29, 34 and 64 of the *Workers’ Compensation and Rehabilitation and Other Legislation Amendment Act 2024*; SL No. 239, explanatory notes, p 2.

12 SL No. 241 – Electrical Safety and Other Legislation Amendment Regulation 2024

The Electrical Safety and Other Legislation Amendment Regulation 2024 (SL No. 241) amends various legislation, primarily the Electrical Safety Regulation 2013 (ES Regulation).

SL No. 241 amends the ES Regulation to:⁷⁶

- clarify that testing is a form of energised electrical work (or ‘live work’)
- in relation to service lines, update the examples of facilities that may be provided by a person in control of the electrical installation
- clarify triggers for ensuring safety switches are installed for general purpose socket-outlets on residential land by removing obsolete dates
- amend Queensland’s implementation of the Electrical Equipment Safety System (EESS) by:
 - clarifying the definition of ‘second-hand’ for the purposes of selling second-hand in-scope electrical equipment
 - clarifying that requirements for selling second-hand in-scope electrical equipment apply to non-profit organisations
 - introducing a definition of ‘certificates of suitability’ and requiring specified certifiers to comply with the Equipment Safety Rules when issuing such certificates
 - updating the method used by the regulator to notify an intention to make a declared scheme, from publishing a notice in a newspaper notice to publishing on the department’s website
- clarify the circumstances in which accredited auditor inspections are not required for reconnection of hazardous area electrical installations
- prescribe GoldlinQ as a prescribed electricity entity
- extend the scope of Part 3, Division 1 from electrical work ‘on’ energised electrical equipment to electrical work ‘on or near’ energised electrical equipment
- reduce the timeframes for electrical contractors to notify the regulator of changes to the Qualified Business Person (QBP) or Qualified Technical Person (QTP) on their electrical contractor’s licence
- change the unit of measurement from months to days for automatic suspensions and cancellations of electrical contractor licences where a QTP or QBP is not endorsed on the licence for the prescribed time period
- introduce requirements to de-energise the relevant electrical installation in a domestic building prior to working in or via a roof space
- prescribe ‘water equipment’ as prescribed electrical equipment
- correct an error and make minor and machinery changes.

⁷⁶ SL No. 241, human rights certificate, pp 1-2.

Additionally, SL No. 241 amends the ES Regulation, Safety in Recreational Water Activities Regulation 2024 (SRWA Regulation) and Work Health and Safety Regulation 2011 (WHS Regulation) to prescribe new Acts to increase efficiency of information sharing within the Office of Industrial Relations.⁷⁷

SL No. 241 also amends the State Penalties Enforcement Regulation 2014 to:⁷⁸

- update references to the specified existing infringement notice offences in the ES Regulation to ensure the continued issuance of penalty infringement notices
- introduce a new infringement notice offence where a person conducting a business or undertaking (PCBU) fails to ensure, so far as reasonably practicable, that work does not occur in the roof space of the building unless the relevant electrical installations are de-energised, or either of 2 prescribed circumstances apply⁷⁹
- introduce 3 infringement notice offences for non-compliance with the following existing quad bike requirements under the WHS Regulation:
 - persons with management or control of a quad bike at a workplace must take all reasonable steps to ensure:
 - that a quad bike operator is at least 16 years, or the minimum age recommended by the quad bike manufacturer
 - quad bikes are not used to carry passengers, unless they are designed to carry passengers, and the passenger is at least 16 years, or the minimum age recommended by the quad bike manufacturer
 - workers must wear a crash helmet while riding the quad bike or riding as a passenger on the quad bike
- introduce 6 infringement notice offences to encourage compliance with the following crystalline silica requirements under the WHS Regulation:⁸⁰
 - the prohibition that a PCBU not carry out, or direct or allow a worker to carry out, work that involves manufacturing, supplying, processing or installing engineered stone benchtops, panels or slabs
 - PCBUs carrying out, or directing or allowing a worker to carry out, processing of engineered stone must, before the work is carried out, give the regulator a written notice in a form approved by the regulator which includes the prescribed information requirements
 - PCBUs must not carry out, or direct or allow a worker to carry out, processing of a crystalline silica substance (CSS) unless the processing is controlled
 - a PCBU carrying out the processing of a CSS that is high risk must ensure the processing is carried out in accordance with a silica risk control plan prepared in relation to the processing, that is available to all workers at the workplace and provided to workers before they start the processing

⁷⁷ SL No. 241, human rights certificate, p 5.

⁷⁸ SL No. 241, human rights certificate, pp 2-3.

⁷⁹ SL No. 241, explanatory notes, p 11.

⁸⁰ SL No. 241, explanatory notes, pp 8-9, 23, 27, 28.

- the PCBU carrying out processing of a CSS that is high risk must ensure the processing is stopped immediately, or as soon as it is safe to do so, where the processing is not carried out in compliance with the prescribed requirements, and it is only resumed in accordance with the silica risk control plan prepared in relation to the processing
- a PCBU must keep a record of crystalline silica training undertaken by a worker in compliance with the WHS Regulation for inspection under the WHS Act.

According to the explanatory notes, the objective of SL No. 241 is to give effect to a second tranche of legislative recommendations from the *Review of Queensland's Electrical Safety Act 2002*, which was completed in December 2021.⁸¹

12.1 Consultation

The explanatory notes detail broad and targeted consultation undertaken during 2023 and 2024, stating that most stakeholders who responded to consultation on the draft amendment regulation either indicated support or had no concerns. Stakeholders' feedback emphasised the need for supporting guidance material to assist industry and the community navigate the changes, which 'will be prepared by the Electrical Safety Office'.⁸²



12.2 Legislative Standards Act 1992

The committee considered the following issues of fundamental legislative principle as part of its assessment of whether SL No. 241 complies with the Legislative Standards Act.

12.2.1 Penalties

To have sufficient regard for the rights and liberties of individuals, the consequences of legislation should be relevant and proportionate. In line with this, a penalty should be proportionate to the offence, and penalties within legislation should be consistent with each other.

In addition to prescribing some existing offences under the WHS Regulation (relating to quad bikes and CSS requirements) as infringement notice offences, SL No. 241 introduces 10 new offences to the ES Regulation.⁸³ These offences attract maximum penalties ranging from 10 penalty units (\$1,613) to 60 penalty units (\$9,678) and relate to:

- the prohibition of electrical work on energised equipment⁸⁴
- safety switch obligations⁸⁵
- limitations on offering to sell second-hand items⁸⁶
- requirements relating to roof space work.⁸⁷

⁸¹ SL No. 241, explanatory notes, p 1.

⁸² SL No. 241, explanatory notes, p 15.

⁸³ SL No. 241, ss 4, 9, 11, 12, 19 and 42.

⁸⁴ SL No. 241, s 4.

⁸⁵ SL No. 241, ss 9, 11 and 12.

⁸⁶ SL No. 241, s 19.

⁸⁷ SL No. 241, s 42.

Some of the offences in the ES Regulation are also infringement notice offences.⁸⁸

The explanatory notes did not address these new offences in the context of fundamental legislative principles. However, the penalties for the new offences appear to be proportionate to the conduct to which they relate, with more serious offences relating to safety (e.g. ensuring electrical work on energised equipment is not carried out unless requirements are met) attracting higher penalties,⁸⁹ and less serious offences (e.g. relating to notices about safety switches) attracting lower penalties.⁹⁰

The penalty amounts are also consistent with similar existing offences in the ES Regulation.⁹¹

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 and are consistent with existing offences in the Electrical Safety Regulation 2013.

12.2.2 General rights and liberties – ordinary business

Legislation should not, without sufficient justification unduly restrict ordinary activities.⁹²

The new requirements in SL No. 241 relating to domestic roof spaces and electrical work near energised equipment are likely to result in an increased regulatory burden on PCBU's. Prescribing water equipment as electrical equipment may also increase the regulatory burden on industry.

While the explanatory notes do not raise this issue in the context of fundamental legislative principles, the justification for these measures, cited elsewhere in the explanatory notes, is the safety of workers and the broader community:

The minor regulatory impact on industry and the community incurred by complying with these new requirements is considered necessary to advance a rigorous and effective electrical safety framework in Queensland. These new requirements seek to reduce the instances of injury and death caused in the course of performing these work activities.⁹³

To support industry in preparing for these requirements, the explanatory notes state that education and guidance will be provided, as well as delayed commencement of the provisions relating to roof spaces and electrical work near energised electrical equipment, until 1 January 2025.⁹⁴ The amendments relating to water equipment commence on 1 April 2025.⁹⁵

⁸⁸ SL No. 241, s 49.

⁸⁹ SL No. 241, s 14 (60 penalty units).

⁹⁰ SL No. 241, s 9 (15 penalty units).

⁹¹ See for example, ES Regulation, s 15 (duty to determine whether equipment is energised – 60 penalty units) and s 83 (notice to regulator about approved safety switch and other matters – 15 penalty units).

⁹² Legislative Standards Act, s 4(2)(a).

⁹³ SL No. 241, explanatory notes, p 14.

⁹⁴ SL No. 241, explanatory notes, p 14. SL No. 241 was notified on 27 September 2024.

⁹⁵ SL No. 241, pt 2, div 4.

Committee Comment

While the new requirements in SL No. 241 relating to domestic roof spaces, electrical work near energised equipment, and work involving water equipment may affect the business activities of a person conducting a business or undertaking (PCBU), the committee is satisfied that the impacts are justified having regard to the safety of workers and the broader community.

12.3 Explanatory notes

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

**12.4 Human Rights Act 2019**

The committee considered the following potential limitations on human rights in its assessment of whether SL No. 241 is compatible with the Human Rights Act.

12.4.1 Property rights

All persons have a right to own property alone or in association with others and a person must not be arbitrarily deprived of the person's property.⁹⁶

The human rights certificate acknowledges that the amendments in SL No. 241 prescribing water equipment as prescribed electrical equipment may affect a person's property rights by subjecting water equipment to the regulatory framework for electrical equipment safety.⁹⁷

According to the human rights certificate, the regulatory framework for electrical equipment safety includes supply chain duties, licensing requirements, ministerial recall powers and incident notification reporting, which may limit a person's property rights by affecting:⁹⁸

- their ability to perform and derive profits from particular work where they do not hold an appropriate licence
- their ability to derive profits where they are involved in the supply chain and do not comply with the relevant duties and regulatory requirements
- their use or enjoyment of water equipment where a seizure or recall power under the ES Act is exercised.⁹⁹

The human rights certificate states:

Restrictions on the use and enjoyment of water equipment is appropriate to ensure that electrical risks associated with extra low voltage equipment in water are minimised through supply chain duties and licensing requirements. Further, depriving persons of water equipment through a ministerial recall where it is considered to pose electrical risk through a known or suspected fault or defect is intended to reduce the electrical risk to persons and property.¹⁰⁰

⁹⁶ Human Rights Act, s 24.

⁹⁷ SL No. 241, human rights certificate, p 5; SL No. 241, ss 44 and 45.

⁹⁸ SL No. 241, human rights certificate, p 5.

⁹⁹ SL No. 241, human rights certificate, p 5.

¹⁰⁰ SL No. 241, human rights certificate, p 7.

The human rights certificate concludes that SL No. 241 strikes a fair balance between the benefits for electrical safety gained by prescribing water equipment as prescribed electrical equipment, and any limitation to the human rights to property, because the importance of ensuring the electrical safety of the community and workers outweighs any potential limitation.¹⁰¹

12.4.2 Right to privacy

A person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and not to have their reputation unlawfully attacked.¹⁰²

As noted above, SL No. 241 amends the ES Regulation, Safety in Recreational Water Activities Regulation 2024 and WHS Regulation to prescribe new Acts for the purposes of sharing information for the administration or enforcement of that Act.¹⁰³

According to the human rights certificate, the purpose of the subordinate legislation's limitation on the right to privacy is to 'ensure that information can be disclosed where required by law to ensure the safety of workers and the community' and that 'information shared under these Acts [*Electrical Safety Act 2002, Labour Hire Licensing Act 2017, Safety in Recreational Water Activities Act 2011, Work Health and Safety Act 2011*] is done for the purpose of administration or enforcement of another Act'.¹⁰⁴

Whilst the human rights certificate acknowledges there are alternative information sharing pathways available for the regulator, it contends that 'the amendments focus on streamlining internal process to ensure the fast and effective communication of information for the purposes of administration or enforcement of the Acts'.¹⁰⁵ Additionally, 'personal information of individuals remains subject to various requirements to maintain appropriate confidentiality'.¹⁰⁶

The human rights certificate concludes that the amendments in SL No. 241 strike a fair balance between the benefits gained by allowing information obtained under identified Queensland Acts with the respective regulator, and any limitations to the human rights of privacy and reputation.¹⁰⁷

¹⁰¹ SL No. 241, human rights certificate, p 8.

¹⁰² HRA, s 25.

¹⁰³ SL No. 241, human rights certificate, p 5.

¹⁰⁴ SL No. 241, human rights certificate, p 7.

¹⁰⁵ SL No. 241, human rights certificate, p 7.

¹⁰⁶ SL No. 241, human rights certificate, p 7.

¹⁰⁷ SL No. 241, human rights certificate, p 8.

Committee Comment

The committee is satisfied that SL No. 241 is compatible with the Human Rights Act and that the potential limitations on property rights and the right to privacy are reasonable and demonstrably justified in the circumstances to ensure the safety of the community and workers. The committee notes that there are requirements in place to safeguard confidentiality of personal information.

12.1 Human rights certificate

The human rights certificate tabled with SL No. 241 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

13 SL No. 248 – Planning (Rural Workers’ Initiative and Other Matters) Amendment Regulation 2024

The Planning (Rural Workers’ Initiative and Other Matters) Amendment Regulation 2024 (SL No. 248) amends the Planning Regulation 2017 to:

- give effect to the updated Queensland Rural Workers’ Accommodation Initiative (Rural Workers Initiative)¹⁰⁸ by replacing the existing date of 3 August 2023 with 22 August 2024¹⁰⁹
- give effect to the updated State Development Assessment Provisions (SDAP),¹¹⁰ to reflect amendments to the State Code 23: Wind Farm Development,¹¹¹ by replacing the existing date of 29 December 2021 with the date of the new version of the SDAP, being 17 September 2024¹¹²
- extend the sunset clause for an additional 2 year period for development for relocatable classrooms at State schools to allow the Department of Education to respond to fluctuating enrolment numbers.¹¹³

According to the explanatory notes, the amendments to:

- the dates for the Rural Workers Initiative and SDAP do not constitute a procedural change and do not impact resourcing or policy outcomes¹¹⁴

¹⁰⁸ The Rural Workers Initiative, which is described in the explanatory notes as an interim policy response to the shortages of appropriate accommodation for rural workers across Queensland, came into effect on 16 December 2022. SL No. 248, explanatory notes, p 2.

¹⁰⁹ SL No. 248, human rights certificate, p 1.

¹¹⁰ The State Development Assessment Provisions (SDAP) is a state planning instrument under the *Planning Act 2016* that provides assessment benchmarks for the assessment of development applications involving the State Assessment and Referral Agency. SL No. 248, explanatory notes, p 2.

¹¹¹ Applications for wind farms are assessed by SARA against the SDAP under State Code 23: Wind farm development; SL No. 248, explanatory notes, p 2.

¹¹² SL No. 248, human rights certificate, p 1.

¹¹³ SL No. 248, explanatory notes, p 3; SL No. 248, human rights certificate, p 1.

¹¹⁴ SL No. 248, explanatory notes, p 4.

- the sunset date for development for relocatable classrooms is machinery in nature and is ‘required to ensure that schools can respond to emergent enrolment needs, without the need for a planning approval’.¹¹⁵

13.1 Consultation

The explanatory notes state that consultation on the amendments relating to the Rural Workers Initiative and the SDAP was not undertaken as each are ‘a procedural change that does not impact resourcing or policy outcomes’. QBuild and the Department of Education were consulted in relation to the relocatable classroom provisions.¹¹⁶



13.2 Legislative Standards Act 1992

No issues of fundamental legislative principle were identified.

13.3 Explanatory notes

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



13.4 Human Rights Act 2019

The committee concluded that SL No. 248 is compatible with human rights.

13.5 Human rights certificate

The human rights certificate tabled with SL No. 248 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

14 Rail Safety National Law National Regulations (Fees) Amendment Regulations 2024

14.1 Background

The Rail Safety National Law National Regulations (Fees) Amendment Regulations 2024 (Rail Safety National Amendment Regulations)¹¹⁷ are made pursuant to the *Rail Safety National Law* (National Law).

The *Rail Safety National Law (Queensland) Act 2017* applies the National Law as law in Queensland and establishes the Office of the National Rail Safety Regulator (ONRSR) as the rail safety regulator in Queensland. The national regulatory framework for rail safety, including the National Law and ONRSR, were established to deliver a more consistent approach to policy and regulation across jurisdictions. The National Law is set out in the schedule to the *Rail Safety National Law (South Australia) Act 2012* (SA). Amendments to the National Law are made by the Parliament of South Australia and are automatically applied as law in Queensland.¹¹⁸

¹¹⁵ SL No. 248, explanatory notes, p 5.

¹¹⁶ SL No. 248, explanatory notes, p 4.

¹¹⁷ Note: This item does not form part of the usual numbered subordinate legislation (SL) series.

¹¹⁸ Section 264 of the *Rail Safety National Law (Queensland)* allows the Governor of the State of South Australia to make national regulations.

The Rail Safety National Amendment Regulations were published on the New South Wales legislation website on 28 June 2024¹¹⁹ and tabled in the Queensland Legislative Assembly on 6 December 2024.¹²⁰

14.2 Objectives

The Rail Safety National Amendment Regulations update the fees for:

- applications for accreditation for complex operations – the application (complex operations) fee applies only to entities that are not currently accredited and that seek accreditation for all or part of their railway operations for a major project. This fee is increased from \$84,555 to \$93,755¹²¹
- annual fees payable by an accredited person – for the 2024-25 financial year, the fixed component of the annual fee is unchanged (\$15,000), and variable fee rate changes result in a 10.86% (\$14.92) increase in the amount payable per track kilometre for Queensland rail infrastructure managers, and a 15% (\$0.012) increase in the amount payable per train kilometre travelled by trains of rolling stock operators¹²²
- the project component fee payable by an accredited person in relation to major projects, such as the introduction of new rolling stock or rail infrastructure not previously used in Australia, which can increase the need for regulatory oversight in relation to the railway operations.¹²³

The amendments commenced on 1 July 2024. The explanatory notes state that the amendments ensure ‘that the cost of rail safety regulation continues to be appropriately funded by the payment of annual accreditation fees to the ONRSR’.¹²⁴

14.3 Consultation

The amendments in the Rail Safety National Amendment Regulations were endorsed by the Infrastructure and Transport Ministers’ Meeting on 7 June 2024.¹²⁵ According to the explanatory notes, the amendments are machinery in nature and have not been subject to consultation.¹²⁶

¹¹⁹ As required by *Rail Safety National Law (Queensland)*, s 265.

¹²⁰ Similar to the usual processes applying to subordinate legislation, regulations under the National Law must be tabled within 14 sitting days of being published, are subject to the provisions of the Legislative Standards Act dealing with fundamental legislative principles and explanatory notes, are subject to disallowance, and can be considered and reported on by a committee; see *Rail Safety National Law (Queensland) Act 2017*, s 14. The disallowance date is 14 sitting days after the tabling date; see *Statutory Instruments Act 1992*, s 50.

¹²¹ See explanatory notes, p 3.

¹²² Annual fees are based on the amount required for ONRSR to recover its fixed budget; see explanatory notes, pp 2, 4.

¹²³ One or more of the annual project component fees may be applied to a major project, depending on the level of project complexity; see amendment regulations, s 4(3) and explanatory notes, p 3 for fee changes.

¹²⁴ Explanatory notes, p 2.

¹²⁵ Explanatory notes, p 4.

¹²⁶ Explanatory notes, p 4.



14.4 *Legislative Standards Act 1992*

No issues of fundamental legislative principle were identified.

14.5 *Explanatory notes*

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



14.6 *Human Rights Act 2019*

Section 14 of the *Rail Safety National Law (Queensland) Act 2017*, which deals with parliamentary scrutiny of national regulations, does not refer to the Human Rights Act or apply any of its provisions to national regulations (such as the requirement to table a human rights certificate).

No human rights certificate was tabled with the Rail Safety National Amendment Regulations.

For completeness, the committee has reviewed the Rail Safety National Amendment Regulations for its compatibility with human rights and has concluded that the subordinate legislation does not raise any human rights issues.

15 *Committee recommendation*



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