

State Development, Tourism, Innovation and Manufacturing Committee

Report No. 2, 56th Parliament

Subordinate legislation tabled between 21 May 2020 and 16 June 2020

1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 21 May 2020 and 16 June 2020. 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*.¹

The report also discusses any issues identified by the committee in its consideration of the human rights certificate tabled with the subordinate legislation.²

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
76	State Development and Public Works Organisation (Cairns Convention Centre Expansion Project) Amendment Regulation 2020	16 June 2020	3 December 2020

*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House at the time the committee adopts its report. These dates are subject to change.

3 Committee consideration of the subordinate legislation

No significant issues regarding policy, consistency with fundamental legislative principles or the lawfulness of State Development and Public Works Organisation (Cairns Convention Centre Expansion Project) Amendment Regulation 2020 were identified. The committee considers explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the *Legislative Standards Act 1992*.

The committee considers that the State Development and Public Works Organisation (Cairns Convention Centre Expansion Project) Amendment Regulation 2020 raises no human rights issues. The human rights certificate tabled with the subordinate legislation provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.³

¹ *Legislative Standards Act 1992*, Part 4.

² *Human Rights Act 2019*, s 41.

³ *Human Rights Act 2019*, s 41.

4 State Development and Public Works Organisation (Cairns Convention Centre Expansion Project) Amendment Regulation 2020 – (SL 76)

The objective of the State Development and Public Works Organisation (Cairns Convention Centre Expansion Project) Amendment Regulation 2020 is to enable the permanent closure of parts of Sheridan Street and Wharf Street in Cairns central business district to facilitate the development of Cairns Convention Centre Expansion Project (CCCE).⁴

The amendment includes a new section in the State Development and Public Works Organisation Regulation 2010 that directs the Coordinator-General to undertake particular works, with the intent that the Coordinator-General will be able to exercise functions and powers to undertake works for the purpose of facilitating the CCCE.⁵

Those functions and powers are expected to include the permanent closure of the relevant parts of those roads. The area of road reserve proposed to be closed for the project is in the existing road verge and has no impact on traffic movement in the carriageway.⁶

The explanatory notes state that the CCCE was subject to a Ministerial Infrastructure Designation process in accordance with the *Planning Act 2016*, including a public consultation process. Cairns Regional Council provided their support for the proposed road closures. No other submitters raised concerns regarding this matter.⁷

According to the notes, the Office of Best Practice Regulation provided advice that the proposal appeared unlikely to result in significant adverse impacts, therefore no further regulatory impact analysis was required.⁸

4.1 Issues of fundamental legislative principle

Committee comment

The committee is satisfied that the subordinate legislation does not raise any issues regarding fundamental legislative principles or its lawfulness.

4.2 Explanatory notes

The explanatory notes tabled with SL No. 76 of 2020 comply with part 4 of the *Legislative Standards Act 1992*.

4.3 Consideration of human rights compatibility

Section 8 of the *Human Rights Act 2019* (HR 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 in accordance with Section 13 of that Act.

Section 13 of the HR 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.

⁴ Explanatory notes, p 1.

⁵ Explanatory notes, p 2.

⁶ Explanatory notes, p 1.

⁷ Explanatory notes, p 3.

⁸ Explanatory notes, p 4.

In the human rights certificate tabled with the subordinate legislation, the Minister states her opinion that the amendment regulation is compatible:

- with human rights protected by the HR Act
- with the HR Act because it does not raise a human rights issue.⁹

Committee comment

The committee is satisfied that the subordinate legislation raises no human rights issues.

4.4 Human rights certificate

A human rights certificate was tabled with the subordinate legislation (as required by section 41 of the HR Act). It provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 Recommendation

The committee recommends that the House notes this report.



Duncan Pegg MP

Chair

July 2020

State Development, Tourism, Innovation and Manufacturing Committee

Chair	Mr Duncan Pegg MP, Member for Stretton (Chair)
Deputy Chair	Mr Jon Krause MP, Member for Scenic Rim (Deputy Chair)
Members	Ms Sandy Bolton MP, Member for Noosa
	Mr Mark Boothman MP, Member for Theodore
	Ms Cynthia Lui MP, Member for Cook
	Mrs Charis Mullen MP, Member for Jordan

⁹ SL No. 76 of 2020, human rights certificate, p 1.