



QUEENSLAND PARLIAMENT **COMMITTEES**

**Subordinate legislation tabled between 17 September 2025 and
18 November 2025**

State Development, Infrastructure and Works Committee



Report No. 20

58th Parliament, January 2026

1 Overview


This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 17 September 2025 and 18 November 2025. 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

1.1 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	*Disallowance date
127 of 2025	Transport Legislation (Waiving Fees and Other Matters) Amendment Regulation 2025	14 October 2025	12 February 2026
- -	Rail Safety National Law National Regulations (Fees) Amendment Regulations 2025	17 November 2025	25 March 2026
136 of 2025	Economic Development (Port Hinchinbrook Provisional PDA) Amendment Regulation 2025	18 November 2025	26 March 2026

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

1.2 Committee consideration of the subordinate legislation

Committee Comment	
	<p>The committee did not identify any significant issues regarding the policy, 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 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.</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 *Legislative Standards Act 1992* (Legislative Standards Act), Part 4.

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

2 SL No. 127 – Transport Legislation (Waiving Fees and Other Matters) Amendment Regulation 2025

The Transport Legislation (Waiving Fees and Other Matters) Amendment Regulation 2025 (SL No. 127) amends the following regulations to enable the Department of Transport and Main Roads (TMR) to waive certain replacement fees, and to clarify a taxi driver's obligations to ensure pre-booked trips for wheelchair users and Taxi Subsidy Scheme members are completed as agreed:

- Tow Truck Regulation 2024
- Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015
- Transport Operations (Road Use Management—Driver Licensing) Regulation 2021
- Transport Legislation (Waiving Fees and Other Matters) Amendment Regulation 2025
- Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021
- Transport Operations (Passenger Transport) Regulation 2018.

In regard to waiving replacement fees, SL No. 127:

- provides for the chief executive to waive the payment of a fee where a person applies for replacement of the following documents that were stolen, lost or damaged (including destroyed) because of a crime or misdemeanour committed by another person:
 - a driver accreditation or assistant accreditation smartcard³
 - an accreditation smartcard⁴
- provides for a minor amendment to support online processing of eligible replacement applications⁵
- provides for replacement of a licence due to unauthorised access to, or disclosure of, confidential information about the licence,⁶ allowing, for example, replacement due to unauthorised access following a cyber-attack, human error or system vulnerabilities⁷
- provides for the chief executive to waive the payment of a fee for a replacement driver licence if the application is for replacement of a licence that was stolen, lost or damaged (including destroyed) because of a crime or misdemeanour committed by another person, or following unauthorised access or disclosure of information about a driver's licence⁸
- enables the chief executive to waive the payment of a fee if the application is for replacement of a number plate that was stolen, lost, damaged or destroyed because of a crime or misdemeanour committed by a person other than the registered operator⁹

³ SL No. 127, s 4; SL No. 127, explanatory notes, p 3.

⁴ SL No. 127, s 8; SL No. 127, explanatory notes, pp 3-4.

⁵ SL No. 127, s 10; SL No. 127, explanatory notes, p 4.

⁶ Includes a person's personal information, digital photo, digitised signature, licence number and card number. SL No. 127, s 11.

⁷ SL No. 127, explanatory notes, p 4.

⁸ SL No. 127, s 12; SL No. 127, explanatory notes, p 4.

⁹ However, if the application is for replacement of a personalised or customised number plate (special plate), SL No. 127 enables a person to apply for a free standard plate with a new number or letter combination as replacement for the special plate; SL No. 127, s 14; SL No. 127, explanatory notes, p 4.

- removes a redundant, duplicative provision in the Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015.¹⁰

With respect to the proposed amendments, the explanatory notes state:

To support a streamlined application process for customers, there is no requirement for applicants to provide evidence of the crime, misdemeanour or unauthorised information access or disclosure relevant to the replacement request. However, as part of the application process, customers will be required to declare they are seeking a replacement on the basis of being a victim of crime.¹¹

The Queensland Government Budget 2025-26 provides for \$5 million per year in foregone replacement fee revenue from 2025-26 to 2027-28.¹²

SL No. 127 also clarifies the existing policy objective that a booked hire trip requested by a prescribed person in a taxi must be completed by a taxi driver.¹³ A 'prescribed person' means any person who uses a wheelchair or a member of the Taxi Subsidy Scheme. According to the explanatory notes, this 'will improve service reliability and service wait times for vulnerable Queenslanders who are prescribed persons'.¹⁴

2.1 Consultation

The explanatory notes state that there was no public consultation conducted by TMR on the proposal to waive replacement fees, 'due to this being a clear election commitment and the deregulatory and beneficial nature of implementing fee relief'.¹⁵ A summary Impact Analysis Statement has been prepared but 'further regulatory impact analysis is not required because the amendments are deregulatory'.¹⁶

According to the explanatory notes, consultation on the amendments to taxi driver obligations to prescribed persons was undertaken with the Accessible Taxi Services Working Group (comprised of taxi booking companies, peak industry bodies, and disability advocacy groups, and chaired by TMR) in relation the proposal to clarify the meaning of 'refuse'. The Working Group supported the proposal.¹⁷



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. 127 is compatible with human rights.

¹⁰ SL No. 127, s 8; SL No. 127 explanatory notes, p 4.

¹¹ SL No. 127 explanatory notes, p 4.

¹² SL No. 127 explanatory notes, p 6.

¹³ SL No. 127, s 6 (Transport Operations (Passenger Transport) Regulation 2018, amends s 81); SL No. 127 explanatory notes, p 1.

¹⁴ SL No. 127 explanatory notes, pp 2, 5.

¹⁵ SL No. 127 explanatory notes, p 6.

¹⁶ SL No. 127 explanatory notes, p 6.

¹⁷ SL No. 127 explanatory notes, p 6.

2.5 Human rights certificate

The human rights certificate tabled with SL No. 127 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

3 Rail Safety National Law National Regulations (Fees) Amendment Regulations 2025

The Rail Safety National Law National Regulations (Fees) Amendment Regulations 2025 (the amendment regulations), which amend the Rail Safety National Law Regulations 2012, are made pursuant to the *Rail Safety National Law* (National Law).

The National Law is set out in the schedule to the *Rail Safety National Law (South Australia) Act 2012* (SA). It applies as law in Queensland (with modifications), as the *Rail Safety National Law (Queensland)*.¹⁸ The *Rail Safety National Law (Queensland)* allows the Governor of South Australia to make national regulations,¹⁹ which are published on the New South Wales (NSW) legislation website.²⁰

Amendments to the National Law are made by the Parliament of South Australia and are automatically applied as law in Queensland.²¹ Section 14 of the *Rail Safety National Law (Queensland) Act 2017* provides for parliamentary scrutiny of national regulations, with the usual tabling and disallowance procedures of subordinate legislation.

Objectives

The amendment regulations update the fees payable by rail transport operators for:

- annual fees payable by an accredited person²²
- applications for accreditation for complex operations
- the annual project component fee payable by an accredited person in relation to major projects.

Annual fees are based on the amount required for Office of the National Rail Safety Regulator to recover its fixed budget. For the 2025-26 financial year, the fixed component of the annual fee is unchanged at \$15,000. The changes to the 2025-26 financial year variable fee rate will result in a 5.10% increase (from \$152.31 to \$160.08) per track kilometre for rail infrastructure managers, and a 2.17% increase (from \$0.092 to \$0.094) in the rate for train kilometres travelled by rolling stock operators.²³

Major project fees, which cover the cost of regulatory oversight of major rail projects, can be either an application (complex operations) fee for accreditation, or an annual project component fee. These fees are adjusted by CPI of 3.2 per cent for 2025-26.

¹⁸ *Rail Safety National Law (Queensland) Act 2017*, s 4.

¹⁹ The *Rail Safety National Law (Queensland)*, s 264, allows the Governor of the State of South Australia to make national regulations, on the unanimous recommendation of the responsible Ministers.

²⁰ *Rail Safety National Law (Queensland)*, s 265.

²¹ See *Rail Safety National Law (Queensland) Act 2017*, s 4.

²² 'Accredited person' means a rail transport operator who is accredited under the National Law, but does not include a person whose accreditation has been suspended, surrendered or cancelled or has otherwise ceased to have effect under this Law. National Law, s 4.

²³ See amendment regulations s 4(4); explanatory notes, pp 2, 3.

The application (complex operations) fee only applies to entities that are not currently accredited and that seek accreditation for all or part of their railway operations for a major project.²⁴

One or more of the annual project component fees may be applied to a major project, depending on the level of project complexity. For example, the introduction of rolling stock or rail infrastructure not previously used in Australia may increase the need for regulatory oversight in relation to the railway operations and therefore a higher fee may be applied to the major project.²⁵

According to the explanatory notes, the amendment regulations also make a minor amendment to accommodate the *Rail Safety National Law (South Australia) (Fees) Amendment Act 2023*,²⁶ which removed the requirement for a rail transport operator to pay a fee when applying to vary their accreditation or registration.²⁷

The amendments commenced on 1 July 2025.²⁸ According to the explanatory notes, the amendments ensure ‘that the cost of rail safety regulation continues to be appropriately funded by the payment of annual accreditation fees’ to the Office of the National Rail Safety Regulator.²⁹

3.1 Consultation

The amendment regulation was endorsed by the Infrastructure and Transport Ministers’ Meeting on 9 May 2025.³⁰

According to the explanatory notes, the amendments, being routine and machinery in nature, have not been subject to consultation in Queensland. A summary Impact Analysis Statement has been prepared and ‘as the amendments are considered to be regulatory proposals proposing standard fee variations, no further regulatory impact analysis is required’.³¹



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 Compatibility with the 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

²⁴ See amendment regulations, s 4(1); explanatory notes, p 2.

²⁵ See amendment regulations, s 4(5); explanatory notes, p 2 for fee changes. See also Rail Safety National Law National Regulations 2012, sch 3, s 1b.

²⁶ Commenced on 26 May 2025.

²⁷ See Rail Safety National Law National Regulations (Fees) Amendment Regulations 2025, s 4; explanatory notes, p 1.

²⁸ Rail Safety National Law National Regulations (Fees) Amendment Regulations 2025, s 2.

²⁹ Rail Safety National Law National Regulations (Fees) Amendment Regulations 2025 explanatory notes, p 3.

³⁰ Rail Safety National Law National Regulations (Fees) Amendment Regulations 2025 explanatory notes, p 4.

³¹ Rail Safety National Law National Regulations (Fees) Amendment Regulations 2025 explanatory notes, p 2.

any of the Human Rights Act provisions to national regulations (for example, the requirement to table a human rights certificate).

No human rights certificate was tabled with the amendment regulations.³² However, for the sake of completeness, the committee reviewed the amendment regulations for their compatibility with human rights. The committee concluded that the subordinate legislation is compatible with human rights.

4 SL No. 136 – Economic Development (Port Hinchinbrook Provisional PDA) Amendment Regulation 2025

The Economic Development (Port Hinchinbrook Provisional PDA) Amendment Regulation 2025 (SL No. 136) amends the Economic Development Regulation 2023 to declare the Port Hinchinbrook Provisional Priority Development Area (Provisional PDA) over the majority of the established Port Hinchinbrook area within the locality of Cardwell on the Cassowary Coast.³³

Declaration of the area as a Provisional PDA provides a pathway for the Minister for Economic Development Queensland (MEDQ) ‘to undertake an integrated land use and infrastructure planning process for the area that addresses ... matters related to infrastructure provisioning’.³⁴ The explanatory notes state that the declaration will ‘streamline plan-making and development assessment’.³⁵

To regulate development from the time the Provisional PDA is declared, the MEDQ must make a draft provisional land use plan (draft PLUP) regulating development in the area proposed to be declared under the Provisional PDA.³⁶ The draft PLUP is a temporary PDA development instrument that ‘regulates development in the Provisional PDA from the date of declaration until it is replaced by a PLUP, no later than 60 business days following declaration’.³⁷ The draft PLUP must be publicly notified, published on MDEQ’s website, and submissions invited for a period of at least 15 business days following the declaration.³⁸

The Provisional PDA will cease 3 years after the date of declaration.³⁹

4.1 Consultation

According to the explanatory notes, a community engagement strategy has been prepared to support the public notification of the draft PLUP for the Provisional PDA.⁴⁰ The explanatory notes observe that ‘the MEDQ must consider the submissions made on the draft PLUP and consult with the Cassowary Coast Regional Council (the Council) and relevant state agencies following public notification and prior to making the PLUP’.⁴¹

³² Previous national regulations have also not tabled a human rights certificate.

³³ The *Economic Development Act 2012*, s 34(1), provides that a regulation may declare a part of the state to be a Provisional PDA; SL No. 136, ss 3, 4; explanatory notes, pp 1, 2.

³⁴ SL No. 136 explanatory notes, p 2.

³⁵ SL No. 136 explanatory notes, p 2.

³⁶ *Economic Development Act 2012*, s 35(2).

³⁷ SL No. 136 explanatory notes, p 2; *Economic Development Act 2012*, s 36E.

³⁸ *Economic Development Act 2012*, s 36A.

³⁹ *Economic Development Act 2012*, s 41; SL No. 136 explanatory notes, p 2.

⁴⁰ SL No. 136 explanatory notes, p 3.

⁴¹ SL No. 136 explanatory notes, p 2.

The explanatory notes also state that an Impact Analysis Statement was prepared, with no further regulatory impact analysis required as the 'proposal is minor and machinery in nature being that it is a declaratory provision'.⁴²



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*

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. 136 is compatible with the Human Rights Act.

4.4.1 *Rights to freedom of expression, right to take part in public life, and right to a fair hearing*

SL No. 136 potentially limits a number of rights, including the right to freedom of expression,⁴³ the right to take part in public life,⁴⁴ and the right to a fair hearing.⁴⁵

These rights may be limited by SL No. 136 as there are fewer rights of review and appeal for decisions on development applications made under a Provisional PDA than are generally available under the *Planning Act 2016*.⁴⁶

However, as noted by the human rights certificate, the purpose of these limitations is to support Port Hinchinbrook to realise its potential as a region-leading tourism destination 'by ensuring that appropriate infrastructure is provided and operated to support the continued development and ongoing use of Port Hinchinbrook'.⁴⁷ The human rights certificate states:

This will contribute to the orderly development in Far North Queensland, including tourism and marine industry development, and increase employment opportunities in the area. The Provisional PDA will also facilitate the delivery of essential infrastructure to support sustainable development. The provision of tourism, employment and infrastructure

⁴² SL No. 136 explanatory notes, p 3.

⁴³ *Human Rights Act 2019*, s 21.

⁴⁴ *Human Rights Act 2019*, s 23.

⁴⁵ *Human Rights Act 2019*, s 31; Queensland Government, *Guide: Nature and scope of the human rights protected in the Human Rights Act 2019*, Version 3, June 2025, p 139, 140. See SL No. 136 human rights certificate, pp 2-4, for additional rights potentially impacted by the declaration of the Provisional PDA.

⁴⁶ SL No. 136 human rights certificate, pp 3, 4.

⁴⁷ SL No. 136 human rights certificate, p 4.

opportunities for residents of Far North Queensland, supported by properly planned and adequate infrastructure, is a proper purpose.⁴⁸

In terms of reduction of review and appeal rights by SL No. 136, the human rights certificate contends that it is a necessary part of regulating development through the PDA process, which:

... allows development decisions to be made with fewer delays. This means that the benefits of proposed development are realised more quickly. It also encourages developers to undertake projects as they have a higher degree of certainty.⁴⁹

SL No. 136 may also limit property rights,⁵⁰ as the declaration of the Provisional PDA will result in development in the area being regulated, limiting the ability of property owners in the area to use and enjoy their property.⁵¹ For example, the human rights certificate observes that restrictions may be imposed on the way people can use, or build, on their land within the Provisional PDA,⁵² and that the declaration of the Provisional PDA will potentially enliven acquisition of land powers.⁵³

In addressing the restrictions SL No. 136 imposes on the rights of landowners and occupiers to use and enjoy their property and home, the human rights certificate notes that the draft PLUP seeks to protect existing lawful uses and development expectations.⁵⁴

The human rights certificate states that there is no less restrictive and reasonably available way to achieve the purpose, noting that an amendment to the planning scheme would be 'a lengthy process and would less readily facilitate the provision of essential infrastructure'.⁵⁵

The human rights certificate notes that there is opportunity for consultation on the draft PLUP, and that:

Public notification is required where, in the opinion of the MEDQ, the development may have adverse impacts on the amenity or development potential of adjoining land under separate ownership, is for a use or of a size or nature which warrants public notification, or compromises the implementation of the draft PLUP. This provides opportunities for community participation whilst maintaining streamlined processes.⁵⁶

Committee comment



The committee considers that, on balance, the importance of delivering development and the associated infrastructure at Port Hinchinbrook outweighs the potential limitations on human rights. The committee is therefore satisfied that SL No. 136 is compatible with the Human Rights Act and that potential limitations are reasonable and demonstrably justified in the circumstances.

⁴⁸ SL No. 136 human rights certificate, pp 4-5.

⁴⁹ SL No. 136 human rights certificate, p 6.

⁵⁰ *Human Rights Act 2019*, s 24.

⁵¹ SL No. 136 human rights certificate, p 3.

⁵² SL No. 136 human rights certificate, p 6.

⁵³ The human rights certificate states that, where acquisition of land powers are enlivened, any owner of an interest in the land will be entitled to seek compensation under the *Acquisition of Land Act 1967*; SL No. 136 human rights certificate, p 3.

⁵⁴ SL No. 136 human rights certificate, p 5.

⁵⁵ SL No. 136 human rights certificate, p 5.

⁵⁶ SL No. 136 human rights certificate, p 5.

4.5 Human rights certificate

The human rights certificate tabled with SL No. 136 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 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