

Education, Employment and Training Committee

Report No. 25, 57th Parliament

Subordinate legislation tabled on 21 June 2022

1 Aim of this report

This report summarises the findings of the Education, Employment and Training Committee (the committee) following its examination of the subordinate legislation within its portfolio areas tabled on 21 June 2022. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, its consistency with fundamental legislative principles,¹ its compatibility with human rights,² and its lawfulness.³ It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA),⁴ and the compliance of the human rights certificates with the *Human Rights Act 2019* (HRA).⁵

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
65	Racing Integrity (Fee Unit Conversion) Amendment Regulation 2022	21 June 2022	12 October 2022

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

3 Committee consideration of the subordinate legislation

No significant issues were identified by the committee regarding the policy, consistency with fundamental legislative principles, human rights compatibility, or lawfulness of the legislation.

¹ Section 4 of the *Legislative Standards Act 1992* (LSA) states that fundamental legislative principles are the 'principles relating to legislation that underlie a parliamentary democracy based on the rule of law'. The principles include that legislation has sufficient regard to: a) the rights and liberties of individuals, and b) the institution of Parliament.

² Section 8 of the *Human Rights Act 2019* (HRA) 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 s 13 of the HRA. Section 13 of the HRA 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 determining whether a limit on a human right is reasonable and justifiable.

³ *Parliament of Queensland Act 2001*, s 93.

⁴ The LSA, part 4. Section 24 sets out the information that must be included in the explanatory notes for subordinate legislation which is required to be tabled in the Legislative Assembly with the subordinate legislation (LSA, s 22).

⁵ Section 41(4) of the HRA provides that the portfolio committee responsible for examining subordinate legislation may, in examining the legislation, also consider the human rights certificate prepared by the responsible Minister for the subordinate legislation. The human rights certificate, which must be tabled in the Legislative Assembly with the subordinate legislation, must state: a) whether, in the responsible Minister's opinion, the subordinate legislation is compatible with human rights, and if so, how it is compatible; and b) if, in the responsible Minister's opinion, a part of the subordinate legislation is not compatible with human rights, the nature and extent of the incompatibility (see HRA, s 41(1)-(3)).

The committee considered that the explanatory notes tabled with the subordinate legislation comply with the requirements of part 4 of the LSA. 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 their compatibility with the HRA.

A brief overview of the subordinate legislation is provided below.

4 SL No. 65 – Racing Integrity (Fee Unit Conversion) Amendment Regulation 2022

4.1 Objectives

The Racing Integrity (Fee Unit Conversion) Amendment Regulation 2022 (SL No. 65) amends the Racing Integrity Regulation 2016 by applying the fee unit model, changing regulatory fees and charges from dollar amounts to fee units.⁶ It does not substantially change any fees or charges, only how they are expressed in the legislation.⁷

As stated in the explanatory notes, the objective of SL No. 65 is to reduce the administrative burden associated with the annual indexation of fees and charges under the Racing Integrity Regulation 2016. The amendments mean that the indexation of these fees and charges will occur automatically when the values of fee units under the *Acts Interpretation Act 1954* are updated.⁸

5 Recommendation

The committee recommends that the Legislative Assembly notes this report.



Kim Richards MP
Chair

August 2022

Education, Employment and Training Committee

Chair	Ms Kim Richards MP, Member for Redlands
Deputy Chair	Mr James Lister MP, Member for Southern Downs
Members	Mr Mark Boothman MP, Member for Theodore
	Mr Nick Dametto MP, Member for Hinchinbrook
	Mr Barry O'Rourke MP, Member for Rockhampton
	Mr Jimmy Sullivan MP, Member for Stafford

⁶ SL No. 65, explanatory notes, p 1.

⁷ SL No. 65, explanatory notes, p 1.

⁸ SL No. 65, explanatory notes, p 1.