

Economics and Governance Committee

Report No. 15, 56th Parliament

Subordinate legislation tabled between 16 May 2018 and 12 June 2018

Introduction

Role of the committee

The Economics and Governance Committee (the committee) is a portfolio committee of the Legislative Assembly.¹ The committee's primary areas of responsibility include:

- Premier and Cabinet, and Trade
- Treasury, and Aboriginal and Torres Strait Islander Partnerships
- Local Government, Racing and Multicultural Affairs.

The committee is responsible for examining each item of subordinate legislation in its portfolio area to consider the policy to be given effect by the legislation, the application of fundamental legislative principles, and the lawfulness of the legislation.²

Aim of this report

This report summarises the committee's examination of subordinate legislation tabled between 16 May 2018 and 12 June 2018. It reports on any identified fundamental legislative principle issues and the explanatory notes' compliance with the *Legislative Standards Act 1992*.

Subordinate legislation considered

The committee considered the following subordinate legislation.

SL No.	Subordinate legislation	Tabled date	Disallowance date
57 of 2018	Aboriginal Land (Olkola) Amendment Regulation 2018	12 June 2018	17 October 2018
61 of 2018	Superannuation (State Public Sector) (Trustee Appointments) Amendment Regulation 2018	12 June 2018	17 October 2018

¹ *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

² *Parliament of Queensland Act 2001*, s 93.

SL 57 of 2018 - Aboriginal Land (Olkola) Amendment Regulation 2018

The objective is to amend the Aboriginal Land Regulation 2011 to declare a resources reserve as transferable land, which will allow for the grant of inalienable freehold title to Aboriginal people under the *Aboriginal Land Act 1991*.

The subject land is the Olkola (Kurrumbila) Resources Reserve 1, located on Cape York Peninsula, approximately 500 kilometres north-west by road from Cairns, with a total area of 103,600 hectares.

The *Aboriginal Land Act 1991* gives effect to an Indigenous Land Use Agreement, finalised in 2015. The Olkola Aboriginal Corporation now holds and manages 869,822 hectares of traditional lands in Cape York Peninsula.

The Corporation holds the title but jointly manages three properties with Queensland Parks and Wildlife Services under specific management arrangements, including the Kurrumbila Reserve. The Corporation also manages a number of properties independently.³

An Indigenous Land Use Agreement (ILUA) was registered for the property on 5 May 2015. The ILUA provided for the dedication of a resources reserve over the property to accommodate existing mining interests but contained provisions for a further change from resources reserve to national park when no longer required for mining purposes.

The Department of Natural Resources, Mines and Energy has advised that mining lease interests are now no longer in force and the land is now available for dedication as a national park, thus allowing the regulation, transfer and subsequent dedication of national park.⁴

Committee comment

The committee identified no issues regarding consistency with fundamental legislative principles or the lawfulness of the Aboriginal Land (Olkola) Amendment Regulation 2018.

The committee notes that the explanatory notes comply with the *Legislative Standards Act 1992*.

SL 61 of 2018 - Superannuation (State Public Sector) (Trustee Appointments) Amendment Regulation 2018

There are three objectives with this Regulation, all relating to trustees on the QSuper Board:

- allow a trustee to be appointed for an additional term in excess of the current maximum nine-year tenure. The proposed extension is limited to one further term of three years, for a total potential term of no more than 12 years.
- remove the requirement for an appointment as trustee to be notified by gazette notice, providing instead for it to be made by written notice in the form of a letter from the Minister to the appointed trustee.
- remove the requirement for the board to have a policy about the role of alternate trustees. (The rationale is that, as any alternate trustee would have to meet the legislative and policy requirements of any other trustee, there is no need to have separate or different policy requirements for an alternate trustee).

Committee comment

The QSuper Board consists of four trustees representing employers, which are nominated by the Minister, and four trustees representing members, nominated by representative unions. All trustees

³ Olkola Aboriginal Corporation, 'Welcome to Olkola', <https://www.olkola.com.au/>

⁴ Explanatory notes, p 2.

are appointed by the Minister for a term of not more than three years and can be reappointed, with a current allowable tenure of nine years.

According to the explanatory notes to the regulation, an extension is consistent with the arrangement of other large superannuation funds. The arrangement is supported by the Australian Prudential Regulation Authority (an independent statutory authority established by Commonwealth legislation)⁵ and is anticipated to occur only on ‘an exceptional basis’.⁶ The committee is satisfied there are no issues regarding consistency with fundamental legislative principles or the lawfulness of the Regulation.

The committee notes the explanatory notes comply with the requirements of the *Legislative Standards Act 1992*.

Recommendation

The committee recommends that the Legislative Assembly note this report.



Linus Power MP
Chair

Economic and Governance Committee

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⁵ Australian Prudential Regulation Authority, ‘Home page’, <https://www.apra.gov.au/>

⁶ Explanatory notes, p 1.