

**Economics and Governance Committee**

**Report No. 16, 57th Parliament**

**Subordinate legislation tabled between 16 June 2021 and 31 August 2021**

**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 16 June 2021 and 31 August 2021. 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 (FLPs)<sup>1</sup>, its compatibility with human rights,<sup>2</sup> and its lawfulness.<sup>3</sup> It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA)<sup>4</sup> and on the committee’s consideration of the human rights certificates tabled with the subordinate legislation.<sup>5</sup>

**2 Subordinate legislation examined**

The committee examined the subordinate legislation listed in the table below.

No.	Subordinate legislation	Date tabled	Disallowance date*
60	Revenue Legislation (Fees) Amendment Regulation 2021	31 August 2021	18 November 2021
61	Proclamation— <i>Queensland Future Fund (Titles Registry) Act 2021</i> (commencing remaining provisions)	31 August 2021	18 November 2021
62	Queensland Future Fund (Titles Registry) (Transitional) Regulation 2021	31 August 2021	18 November 2021

<sup>1</sup> Section 4 of the *Legislative Standards Act 1992* (LSA) states that FLPs 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) rights and liberties of individuals, and b) the institution of Parliament.

<sup>2</sup> 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 section 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.

<sup>3</sup> *Parliament of Queensland Act 2001*, s 93.

<sup>4</sup> LSA, Part 4. Section 24 sets out the information that must be included in the explanatory note for subordinate legislation, which is required to be tabled in the Legislative Assembly with the subordinate legislation (LSA, s 22).

<sup>5</sup> 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)).

79	State Penalties Enforcement Amendment Regulation 2021	31 August 2021	18 November 2021
122	Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2021	31 August 2021	18 November 2021
123	Duties (Declared Public Unit Trusts) Amendment Regulation 2021	31 August 2021	18 November 2021
124	Petroleum and Gas (Royalty) Regulation 2021	31 August 2021	18 November 2021

\*The disallowance date is 14 sitting days after the tabling date. (See section 50 of the *Statutory Instruments Act 1992*.) 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

The committee did not identify any significant issues regarding the policy, consistency with FLPs, or lawfulness of the Revenue Legislation (Fees) Amendment Regulation 2021 (SL No. 60 of 2021), Proclamation—*Queensland Future Fund (Titles Registry) Act 2021* (commencing remaining provisions) (SL No. 61 of 2021), or Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2021 (SL No. 122 of 2021).

The committee considered a number of potential FLP and/or human rights issues in respect of the following items of subordinate legislation, but was ultimately satisfied that the provisions in question were appropriate and reasonably and demonstrably justifiable in the circumstances:

- the Queensland Future Fund (Titles Registry) (Transitional) Regulation 2021 (SL No. 62 of 2021)
- the State Penalties enforcement Amendment Regulation 2021 (SL No. 79 of 2021)
- the Duties (Declared Public Unit Trusts) Amendment Regulation 2021 (SL No. 123 of 2021)
- the Petroleum and Gas (Royalty) Regulation 2021 (SL No. 124 of 2021).

For all 7 examined items of subordinate legislation, the committee considered that the explanatory notes tabled with the subordinate legislation generally comply with the requirements of part 4 of the LSA, though the committee sought further information from the responsible department in respect of certain FLP matters. Further, 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 HRA.

A brief overview of the subordinate legislation—including a summary of the committee’s consideration of FLP and/or human rights impacts in respect of SL No. 62 of 2021, SL No. 79 of 2021, SL No. 123 of 2021, and SL No. 124 of 2021—is set out below.

### 4 Revenue Legislation (Fees) Amendment Regulation 2021

The objective of SL No. 60 of 2021 is to increase fees administered by the Office of State Revenue from 1 July 2021 in line with the government indexation rate for 2021-22 of 1.7%.<sup>6</sup> The explanatory notes advise that the amendments are necessary to ensure the value of the fees is maintained over time.<sup>7</sup>

All the fee increases are within the 1.7% increment, apart from one fee that was higher due to rounding.<sup>8</sup>

<sup>6</sup> Revenue Legislation (Fees) Amendment Regulation 2021 (SL No. 60 of 2021), explanatory notes, p 1.

<sup>7</sup> SL No. 60 of 2021, explanatory notes, p 2.

<sup>8</sup> The administrative fee payable under the Duties Regulation 2013 for each additional instrument or statement to be returned by post rose from \$1.75 to \$1.80, an increase of 2.9% (rounded up from a 1.7% increase of \$1.78).

## 5 Proclamation—Queensland Future Fund (Titles Registry) Act 2021 (commencing remaining provisions)

The objective of SL No. 61 of 2021 is to fix dates for the commencement of provisions of the *Queensland Future Fund (Titles Registry) Act 2021* (Titles Registry Act) as follows:

- section 142 to commence on 1 January 2022 (removing a reference in the long title of the Act that will no longer be required at that time)
- the remaining provisions of the Act that are not in force and for which commencement dates are yet to be set to commence on 18 June 2021.<sup>9</sup>

The Titles Registry Act, which received assent on 2 June 2021, seeks to support the state's contribution to the Queensland Future (Debt Retirement) Fund by facilitating the transfer of the operations of the Titles Registry (Registry) to a new Fund operator company, Registry Co, thus allowing the value of assets associated with the Registry to be recognised on the state's balance sheet.<sup>10</sup>

The explanatory notes advise that in effecting the commencement of the above provisions, the proclamation will enable the transfer of the operations to proceed, with the operator to carry out relevant functions of the Registry via delegations from the registrar of titles and the registrar of water allocations.<sup>11</sup>

Further, the explanatory notes state that the specific timing of the dates fixed by the proclamation to commence the relevant chapter, sections and schedules of the Act not otherwise commenced is necessary as:

... it is intended that a series of sequential steps will immediately follow. Those steps include:

- the transfer of assets, instruments and liabilities by transfer notice under section 20 of the Act; and
- the making of a direction under section 10 of the *Queensland Future Fund Act 2020*.<sup>12</sup>

## 6 Queensland Future Fund (Titles Registry) (Transitional) Regulation 2021

SL No. 62 of 2021 makes provision for existing fees relating to the Registry to continue to apply for a transitional period following the commencement of new fee provisions of the Titles Registry Act by SL No. 61 of 2021.<sup>13</sup>

The explanatory notes explain the necessity for SL No. 62 of 2021:

It was originally intended that existing Registry fees, as prescribed under various regulations, would continue to apply until 30 June 2021 and new 'titles registry fees' (as set out in schedule 1 of the Act), which the operator may decide, collect and keep, would apply from 1 July 2021. However, due to operational and funding lead-time requirements, a Proclamation [SL No. 61 of 2021] will now fix 18 June 2021 (at 11.59pm) for the commencement of the remaining provisions of the Act relating to the Registry.

This earlier commencement will repeal Registry fees (which would have otherwise continued to apply until 30 June 2021) and the operator would be unable to collect and keep those fees because they are not 'titles registry fees' under section 12(4) of the Act.<sup>14</sup>

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<sup>9</sup> Proclamation—*Queensland Future Fund (Titles Registry) Act 2021* (commencing remaining provisions) (SL No. 61 of 2021), explanatory notes, p 1.

<sup>10</sup> Debt Reduction and Savings Bill 2021, explanatory notes, pp 1, 2.

<sup>11</sup> SL No. 61 of 2021, explanatory notes, p 3.

<sup>12</sup> Section 10(1)(a) of the *Queensland Future Fund Act 2020* empowers the Treasurer to make a direction that an investment be contributed to the Debt Retirement Fund.

<sup>13</sup> Queensland Future Fund (Titles Registry) (Transitional) Regulation 2021 (SL No. 62 of 2021), explanatory notes, p 1.

<sup>14</sup> SL No. 62 of 2021, explanatory notes, p 1.

The transitional regulation enables existing Registry fees to continue to apply from the 18 June 2021 commencement through to 30 June 2021, with the operator to collect and keep those fees for the period accordingly. The transitional regulation will expire on 18 June 2022.<sup>15</sup>

### 6.1 **Human Rights Act 2019 considerations**

In the human rights certificate accompanying the regulation, the Treasurer and Minister for Trade and Investment,<sup>16</sup> the Hon Cameron Dick MP (Treasurer), states his opinion that the regulation is compatible with the HRA as, although it may limit or interact with a human right, ‘any limitation is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom’.<sup>17</sup>

The limitation or interaction considered by the Treasurer relates to the right to property, as considered below.

#### 6.1.1 **Property rights – Human Rights Act 2019, section 24**

The HRA provides that a person must not be arbitrarily deprived of their property.<sup>18</sup> Deprivation in this sense is considered to involve a substantial restriction on a person’s use or enjoyment of their property, including any interests in land, money, shares, and other contractual and statutory rights.<sup>19</sup>

The human rights certificate identifies that SL No. 62 of 2021 could potentially impact individual property rights through its prescription of fees for the transitional period between 18 June and 30 June 2021.<sup>20</sup>

The Treasurer addresses this potential impact as follows:

... it is considered that the limitation is justified as the fees being prescribed are not an increase in the fees that were already applying, and would have continued to apply, for the 2020–21 financial year but for the earlier commencement of the Act. The transitional regulation merely continues the existing fees to ensure that titles registry services continue to be appropriately resourced. On balance, the continuation of Registry fees for the transitional period outweighs any limitation on the right to property by ensuring that titles registry services continue to be provided in a fiscally responsible way.<sup>21</sup>

#### Committee comment

The committee is satisfied that there is no real limitation on the right to property associated with the transitional fee provisions, which are imposed in a specific and not arbitrary manner, and effect no increase in fees or associated deprivation impact. The committee notes that the prescribed fees would have continued to apply for the 2020-21 financial year but for the earlier commencement of the relevant provisions of the Act, and recognises the need to ensure that Registry services are resourced appropriately.

## 7 **State Penalties Enforcement Amendment Regulation 2021**

The State Penalties Enforcement Registry (SPER) is responsible for the collection and enforcement of unpaid infringement notice fines (eg including speeding or parking tickets), court ordered monetary penalties, offender debt recoveries and offender levies.<sup>22</sup> The *State Penalties Enforcement Registry*

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<sup>15</sup> *Queensland Future Fund (Titles Registry) Act 2021*, s 51; SL No. 61 of 2021. See also SL No. 62 of 2021, explanatory notes, pp 1-2.

<sup>16</sup> At the time the human rights certificate was tabled, the Treasurer’s ministerial title was ‘Treasurer and Minister for Investment’. Under the *Administrative Arrangements Order (No. 2) 2021* made on 7 October 2021, the Treasurer was also assigned responsibility for the Trade Portfolio and became the Treasurer and Minister for Trade and Investment.

<sup>17</sup> SL No. 62 of 2021, human rights certificate, p 2.

<sup>18</sup> HRA, s 24.

<sup>19</sup> Queensland Human Rights Commission, *Property rights: Section 24 of the Human Rights Act 2019*, fact sheet.

<sup>20</sup> SL No. 62 of 2021, human rights certificate, p 2.

<sup>21</sup> SL No. 62 of 2021, human rights certificate, p 2.

<sup>22</sup> Queensland Treasury, *State Penalties Enforcement Registry*, <https://www.treasury.qld.gov.au/budget-and-financial-management/revenue-and-taxation/about-sper/>

Act 1999 (SPE Act), which establishes and governs the administration of SPER, provides for the registrar of SPER to:

- request and receive information from the police commissioner for specified purposes, such as the administration or enforcement of the Act, a court order, or an offence administered by a prescribed entity<sup>23</sup>
- enter into an information sharing arrangement with an entity prescribed by regulation for the same purposes, and to share information with prescribed entities subject to the information that is to be disclosed also being prescribed by regulation.<sup>24</sup>

In addition, the SPE Act provides for the registrar's approval of an information system for:

- generating, sending, receiving, storing or otherwise processing electronic communications with administering authorities, enforcement debtors or other persons
- generating a decision of the registrar, 'other than a decision prescribed by regulation'.<sup>25</sup>

Currently, the State Penalties Enforcement Regulation 2014 (2014 Regulation), made under the SPE Act, does not prescribe any entities or permitted disclosures for information sharing arrangements, nor any decisions of the registrar that may not be made by an approved information system.<sup>26</sup>

SL No. 79 of 2021 amends the 2014 Regulation to:

- prescribe the Department of Transport and Main Roads (DTMR) and the Residential Tenancies Authority (RTA) as entities with which the registrar of SPER may enter into an information-sharing arrangement
- prescribe as decisions of the registrar that cannot be generated by an information system:
  - a decision about the revocation of a work order
  - a decision to issue an arrest and imprisonment warrant
  - a decision to cancel an enforcement order
  - a decision to issue an enforcement warrant or cancel, suspend or vary an enforcement warrant
  - a decision to issue an immobilisation warrant or cancel, suspend or vary an immobilisation warrant.<sup>27</sup>

In the human rights certificate accompanying the subordinate legislation, the Treasurer identifies the benefits of the information sharing arrangements as follows:

... Where SPER does not have access to the data necessary to identify a debtor or their correct contact details, SPER is limited in its ability to collect the amount payable.

DTMR and RTA hold key identity and contact information and, as individuals engage with these entities on a more regular basis, for example to renew their driver licence, they are also likely to have more up-to-date contact details. This data could be used to enrich and cleanse SPER data which will support more effective debt management by enabling increased opportunities for engagement with debtors.<sup>28</sup>

In terms of the decisions that have been prescribed as unable to be generated by an information system, the explanatory notes advise:

... As these decisions are complex in nature and may have significant implications for a debtor, due consideration of the specific circumstances of the case is required before engagement or enforcement activities are undertaken, which cannot be done by an information system. Prescribing these decisions

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<sup>23</sup> State Penalties Enforcement Act 1999 (SPE Act), s 134K(1),(2).

<sup>24</sup> SPE Act, s 134K(1),(2).

<sup>25</sup> SPE Act, s 151; explanatory notes, p 2.

<sup>26</sup> State Penalties Enforcement Amendment Regulation 2021 (SL No. 79 of 2021), explanatory notes, p 2.

<sup>27</sup> SL No. 79 of 2021, explanatory notes, pp 1, 2. See also SL No. 79 of 2021, s 3 (inserting new ss 20AA and 20AB).

<sup>28</sup> SL No. 79 of 2021, human rights certificate, pp 3-4.

guarantees they will be made by a SPER officer, ensuring appropriate safeguards and protections are built into collection and enforcement of fines and penalties by SPER.<sup>29</sup>

## **7.1 Legislative Standards Act 1992 considerations**

### **7.1.1 Issue of fundamental legislative principle – Privacy**

The regulation's provision for the registrar to obtain individuals' personal information from DTMR and the RTA has implications for an individual's right to privacy of their personal information, which is relevant to a consideration of whether legislation has sufficient regard to individual rights and liberties.<sup>30</sup>

Queensland Treasury advised in response to correspondence from the committee that given SL No. 79 of 2021 'merely operationalises the authorising provision by prescribing entities with which the registrar may enter into information-sharing arrangements', it does not consider the regulation to be inconsistent with FLPs or 'that it otherwise has insufficient regard to the rights and liberties of individuals'.<sup>31</sup>

The explanatory notes accordingly do not address the provision in the context of FLP considerations, but offer this general justification for the ability of the registrar to obtain personal information from DTMR and the RTA:

This information will be used to enrich and cleanse data about debtors held by SPER, supporting proactive debt management activities through the availability of more complete, accurate and up-to-date data.<sup>32</sup>

...

Use of more accurate data from enhanced information sharing between SPER and other entities may enable opportunities for earlier notification and interaction with debtors about their debt and options for payment or dispute.<sup>33</sup>

Additionally, in terms of information safeguards that would apply to any disclosure of information under such arrangements, it can be noted that the SPE Act:

- limits the purposes for which a party may request and receive information
- requires the registrar, DTMR and the RTA to review their compliance with the requirements of the information-sharing arrangements annually
- makes it an offence to disclose information except in specified circumstances.<sup>34</sup>

The explanatory notes also further state in this regard:

Under the *Information Privacy Act 2009*, SPER must comply with the Information Privacy Principles which include specific limits on use and disclosure of personal information, including requirements to not disclose personal information unless disclosure is authorised or required under law, and to take reasonable steps to protect personal information held from misuse, loss and unauthorised access, use, modification or disclosure.<sup>35</sup>

### Committee comment

The committee is satisfied that any potential FLP breach in relation to an individual's privacy is justified in the circumstances, having regard to the safeguards in place for the protection of personal information and the overall objective of the regulation of assisting SPER in its debtor engagement and enforcement operations.

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<sup>29</sup> SL No. 79 of 2021, explanatory notes, p 2.

<sup>30</sup> See Office of the Queensland Parliamentary Counsel (OQPC), *Fundamental legislative principles: The OQPC Notebook* (FLP Notebook), January 2008, p 95.

<sup>31</sup> Queensland Treasury, correspondence, 15 October 2021, p 2.

<sup>32</sup> SL No. 79 of 2021, explanatory notes, p 2.

<sup>33</sup> SL No. 79 of 2021, explanatory notes, p 3.

<sup>34</sup> SPE Act, ss 134H, 134K; Queensland Treasury, correspondence, 15 October 2021, p 2.

<sup>35</sup> SL No. 79 of 2021, explanatory notes, p 3.

## **7.2 Human Rights Act 2019 considerations**

Although the privacy implications of the information-sharing provision are not addressed in the explanatory notes in the context of FLPs, the human rights certificate tabled with the subordinate legislation acknowledges potential human rights implications of the provision in respect of the right to privacy and reputation outlined in section 25 of the HRA. The Treasurer advises in the certificate, however, that he considers SL No. 79 of 2021 is compatible with the HRA ‘because it limits a human right only to the extent that is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom’.<sup>36</sup>

The committee’s consideration of the potential limitation is outlined below.

### **7.2.1 Right to privacy and reputation – Human Rights Act 2019, section 25**

Under s 25 of the HRA, a person has the right not to have their privacy unlawfully or arbitrarily interfered with.

As discussed above, SL No. 79 of 2021 may impact on a person’s right to privacy to the extent that personal information can be provided by DTMR and the RTA to SPER for the purposes set out in the SPE Act (including for enforcement purposes).

The Treasurer explains the purpose of the identified limitation:

The purpose of the limitation on the right to privacy is to enable the Registrar of SPER to enter into information-sharing arrangements with other entities to obtain bulk data that can be used to undertake cross matching and data validation work to improve current records held by SPER. The availability of more complete, accurate and up-to-date data will support SPER in administering and enforcing the SPE Act.<sup>37</sup>

While the type of personal information in question (eg the contact details of debtors) is currently accessible to SPER through information-sharing arrangements with the police commissioner, the human rights certificate emphasises that DTMR and the RTA ‘are more likely to have up-to-date contact details’ as ‘individuals engage with these entities on a more regular basis, for example to renew their driver licence’.<sup>38</sup> As also highlighted in the explanatory notes, the Treasurer notes that this information could therefore ‘be used to enrich and cleanse SPER data which will support more effective debt management by enabling increased opportunities for engagement with debtors’.<sup>39</sup>

The human rights certificate also highlights the safeguards inherent in the SPE Act to protect confidential information, including that information can be shared only for purposes listed in the SPE Act and that unauthorised disclosure of confidential information is an offence under the Act.<sup>40</sup> Further, and as noted above, the *Information Privacy Act 2009* and the *Queensland Government information security policy* provide safeguards relating to the receipt, handling and use of information obtained under an information-sharing arrangement.<sup>41</sup>

#### Committee comment

The committee is satisfied that the potential limitation is reasonable and demonstrably justifiable, having regard to the purposes of the provisions and the safeguards in place in relation to the receipt, handling and use of information obtained under the information-sharing arrangements.

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<sup>36</sup> SL No. 79 of 2021, human rights certificate, p 5.

<sup>37</sup> SL No. 79 of 2021, human rights certificate, p 3.

<sup>38</sup> SL No. 79 of 2021, human rights certificate, p 4.

<sup>39</sup> SL No. 79 of 2021, human rights certificate, p 4.

<sup>40</sup> SL No. 79 of 2021, human rights certificate, p 4.

<sup>41</sup> SL No. 79 of 2021, human rights certificate, p 4.

## 8 Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2021

The policy objective of SL No. 122 of 2021 is:

... to encourage regular review of Queensland's subordinate legislation ... by requesting Government departments to assess the relevancy of expiring subordinate legislation and consider the necessity of reviewing the relevant parent Act.<sup>42</sup>

Under the *Statutory Instruments Act 1992*:

- Subordinate legislation automatically expires on 1 September first occurring after the 10th anniversary of the day of its making unless it is sooner repealed or expires, or a regulation is made exempting it from expiry.<sup>43</sup>
- A regulation can exempt uniform subordinate legislation from expiry for a stated period of not more than 5 years after it would otherwise expire.<sup>44</sup>
- Uniform subordinate legislation previously exempted may be exempted for further periods each of not more than 5 years.<sup>45</sup>
- A regulation can exempt other subordinate legislation from expiry, for one year, on the following grounds:
  - replacement subordinate legislation is being drafted and is proposed to be made before the stated period ends
  - the subordinate legislation is not proposed to be replaced or preserved when it expires at the end of the stated period, or
  - the Act or provision under which or in relation to which the subordinate legislation or part of the subordinate legislation is made or preserved is subject to review.<sup>46</sup>
- Non-uniform subordinate legislation that has previously been exempted may be exempted for further periods each of not more than one year.<sup>47</sup>

SL No. 122 of 2021 amends the Statutory Instruments Regulation 2012 to exempt from expiry a range of items of subordinate legislation:

- one item of uniform subordinate legislation for a period of 5 years
- 2 items of uniform subordinate legislation for a further period of 5 years
- 7 items of subordinate legislation for a period of one year, on the grounds that the Act or provision under which or in relation to which the subordinate legislation or part of the subordinate legislation is made or preserved is subject to review
- 41 items of subordinate legislation for a further period of one year, on the grounds that the Act or provision under which or in relation to which the subordinate legislation or part of the subordinate legislation is made or preserved is subject to review.<sup>48</sup>

If subordinate legislation is being exempted from expiry for a further period because the authorising Act or provision is subject to review, the responsible Minister must table a report stating how the Act or provision is subject to review, and, if applicable, the extent to which the Act or provision is being

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<sup>42</sup> Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2021 (SL No. 122 of 2021), explanatory notes, p 2.

<sup>43</sup> *Statutory Instruments Act 1992*, s 54.

<sup>44</sup> *Statutory Instruments Act 1992*, s 56(1).

<sup>45</sup> *Statutory Instruments Act 1992*, s 56(2).

<sup>46</sup> *Statutory Instruments Act 1992*, s 56A(1).

<sup>47</sup> *Statutory Instruments Act 1992*, s 56A(2).

<sup>48</sup> SL No. 122 of 2021, explanatory notes, p 2.



reviewed and when the Minister expects the review to end. The report must be tabled within 7 sitting days after the extension regulation is made.<sup>49</sup>

The table in Appendix A sets out the subordinate legislation to be exempted from expiry for 5 years under section 56 of the *Statutory Instruments Act 1992*.

The table in Appendix B sets out the subordinate legislation to be exempted from expiry under section 56A of the *Statutory Instruments Act 1992*, and the various reports of Ministers in relation to the subordinate legislation, all of which were tabled as required.

## 9 Duties (Declared Public Unit Trusts) Amendment Regulation 2021

Under the *Duties Act 2001*, transfer duty may be liable on unit dealings in the trusts through which the Queensland Future (Debt Retirement) Fund invests, or in which it has an interest, unless the relevant trusts are public unit trusts.<sup>50</sup> Unit dealings in public unit trusts that hold Queensland dutiable property do not usually attract duty as it is recognised that investments in these trusts are more similar to shareholdings than beneficial interests in the underlying trust property.<sup>51</sup>

The objective of SL No. 123 of 2021 is to amend the Duties Regulation 2013 (Duties Regulation) to declare the following trusts as public unit trusts by adding them to the list of declared public unit trusts in schedule 1, part 2:

- QIC Private Equity Fund No. 2
- QIC Private Equity Fund No. 3
- QIC Private Equity Fund No. 5
- QIC Registry Trust.<sup>52</sup>

The explanatory notes advise of the declarations that:

- the 3 QIC Private Equity Funds meet the conditions required under the Duties Regulation to be declared a public unit trust
- the QIC Registry Trust is currently declared to be a public unit trust under an administrative arrangement which commenced 4 June 2021, and SL No. 123 of 2021 will give legislative effect to that administrative arrangement.<sup>53</sup>

SL No. 123 of 2021 also adds a new class of trust to the list of declared public unit trusts, that is:

... a unit trust that is established and continues for making investments for the purpose of the Debt Retirement Fund, provided all of the units in it are held by a government entity or government owned corporation.<sup>54</sup>

Trusts that fall within that new class and meet the conditions for declared public unit trusts currently listed in the Duties Regulation will not need to be specifically listed in schedule 1, part 2 of the regulation.<sup>55</sup>

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<sup>49</sup> *Statutory Instruments Act 1992*, s 56A(4).

<sup>50</sup> Duties (Declared Public Unit Trusts) Amendment Regulation 2021 (SL No. 123 of 2021), explanatory notes, p 1.

<sup>51</sup> SL No. 123 of 2021, explanatory notes, p 1.

<sup>52</sup> SL No. 123 of 2021, explanatory notes, pp 1, 2.

<sup>53</sup> SL No. 123 of 2021, explanatory notes, p 2.

<sup>54</sup> SL No. 123 of 2021, explanatory notes, p 2.

<sup>55</sup> SL No. 123 of 2021, explanatory notes, p 2.

## 9.1 **Legislative Standards Act 1992 considerations**

### 9.1.1 **Issue of fundamental legislative principle – Retrospectivity**

SL No. 123 of 2021 was notified on 27 August 2021, but it provides that the QIC Registry Trust was a declared public unit trust from 4 June 2021.

Whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation does not adversely affect rights and liberties, or impose obligations, retrospectively.<sup>56</sup>

The explanatory notes advise that the retrospective commencement of the provision is required ‘to give legislative effect to the administrative arrangement that commenced on that date’.<sup>57</sup> The explanatory notes further state that the retrospectivity does not breach FLPs because:

... the amendment is beneficial in that it ensures that, from 4 June 2021, acquisitions or surrenders of units in the QIC Registry Trust are not subject to transfer duty. Section 34 of the *Statutory Instruments Act 1992* allows for provisions of subordinate legislation to commence retrospectively if they are beneficial in that they do not operate to the disadvantage of a person by decreasing their rights or imposing liabilities on them. Giving the QIC Registry Trust declared public unit trust status retrospectively is advantageous as liabilities for transfer duty would otherwise be imposed on unit dealings in the QIC Registry Trust between 4 June 2021 and commencement of the Duties (Declared Public Unit Trusts) Amendment Regulation 2021.<sup>58</sup>

In addition, as noted in the human rights certificate, the retrospective declaration of the QIC Registry Trust as a public unit trust is unlikely to impact on the rights and liberties of individuals:

Dealings in the trusts being given declared public unit trust status are expected to involve trusts and corporations, and any involvement by individuals (e.g. through companies or trusts) is likely to be very remote.<sup>59</sup>

#### Committee comment

Given the advice in the human rights certificate and explanatory notes respectively that the retrospective amendment of the Duties Regulation is unlikely to impact any individuals, and that any impact would be beneficial, the committee is satisfied the subordinate legislation is consistent with FLPs.

## 10 **Petroleum and Gas (Royalty) Regulation 2021**

The *Petroleum and Gas (Production and Safety) Act 2004* (PG Act) requires, amongst other things, a petroleum producer to pay the state petroleum royalty for petroleum that the producer produces in Queensland, and to lodge royalty returns in relation to such petroleum.<sup>60</sup>

The Petroleum and Gas (Royalty) Regulation 2004 (2004 Regulation) contains provisions which are necessary to support the proper administration and determination of petroleum royalty under the PG Act. This includes provisions setting out the royalty rate, the way in which petroleum royalty is calculated, the time for payment of petroleum royalty, and the form and lodgement frequency for royalty returns.<sup>61</sup>

The explanatory notes advise that the Office of State Revenue conducted a sunset review of the 2004 Regulation in accordance with *The Queensland Government Guide to Better Regulation*, and that:

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<sup>56</sup> LSA, s 4(g).

<sup>57</sup> SL No. 123 of 2021, explanatory notes, p 3.

<sup>58</sup> SL No. 123 of 2021, explanatory notes, p 3.

<sup>59</sup> SL No. 123 of 2021, human rights certificate, p 2.

<sup>60</sup> Petroleum and Gas (Royalty) Regulation 2021 (SL No. 124 of 2021), explanatory notes, p 2.

<sup>61</sup> SL No. 124 of 2021, explanatory notes, p 1.

The sunset review confirmed that the provisions of the 2004 Regulation are still necessary and appropriate for the proper administration of petroleum royalty under the PG Act, and identified that a change was necessary to expand the ability of the Commissioner of State Revenue (the Commissioner) to make a determination as to how those provisions apply to particular arrangements.<sup>62</sup>

SL No. 124 of 2021 therefore remakes the 2004 Regulation, with the change identified above and ‘minor changes necessary to facilitate the remake and to accord with current drafting practices’.<sup>63</sup>

SL No. 124 of 2021 also contains transitional provisions to ensure that decisions made by the Commissioner of State Revenue (Commissioner) and elections and applications made by a person under the expired 2004 Regulation will continue under SL No. 124 of 2021.<sup>64</sup>

The explanatory notes advise that the Office of Best Practice Regulation (OBPR) was consulted on the sunset review of the 2004 Regulation, and OBPR advised:

... no further regulatory impact analysis was required under *The Queensland Government Guide to Better Regulation* because, amongst other things, the technical and administrative provisions of the 2004 regulation had been reviewed in recent years, with any necessary changes being made in the *Revenue Legislation Amendment Act 2020* from 1 October 2020.<sup>65</sup>

### **10.1 Legislative Standards Act 1992 and Human Rights Act 2019 considerations**

As set out in the explanatory notes and human rights certificate, most entities liable for petroleum royalty are corporations.<sup>66</sup> Therefore, SL No. 124 of 2021 will have limited application to individuals.<sup>67</sup>

As FLPs are concerned with the rights and liberties of individuals<sup>68</sup> and only individuals have human rights,<sup>69</sup> the issues canvassed below are relevant only to the extent that they impact individuals.

#### **10.1.1 Legislative Standards Act 1992 considerations**

##### **10.1.1.1 Issue of fundamental legislative principle – Proportionality and relevance of penalties**

Whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, penalties and other consequences imposed by legislation are proportionate and relevant to the actions to which the consequences relate.<sup>70</sup> A penalty should be proportionate to the offence:

In the context of supporting fundamental legislative principles, the desirable attitude should be to maximise the reasonableness, appropriateness and proportionality of the legislative provisions devised to give effect to policy.

... Legislation should provide a higher penalty for an offence of greater seriousness than for a lesser offence. Penalties within legislation should be consistent with each other.<sup>71</sup>

SL No. 124 of 2021 remakes offences contained in the 2004 Regulation relating to:

- a failure by a person who is a member of an LNG project who purchases gas from a petroleum producer, or a reseller for the producer, who is not a member of the same LNG project to give

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<sup>62</sup> SL No. 124 of 2021, explanatory notes, p 1. The 2004 Regulation expired on 31 August 2021.

<sup>63</sup> SL No. 124 of 2021, explanatory notes, p 1. See pages 2 to 3 of the explanatory notes for a summary of the remade provisions.

<sup>64</sup> SL No. 124 of 2021, explanatory notes, p 3.

<sup>65</sup> SL No. 124 of 2021, explanatory notes, p 6.

<sup>66</sup> SL No. 124 of 2021, explanatory notes, p 5; SL No. 124, human rights certificate, p 3.

<sup>67</sup> SL No. 124 of 2021, explanatory notes, p 3.

<sup>68</sup> LSA, s 4(2)(a).

<sup>69</sup> HRA, s 11.

<sup>70</sup> LSA, s 4(2)(a).

<sup>71</sup> OQPC, FLP Notebook, January 2008, p 120.

that petroleum producer or reseller a notice stating that the person is a member of an LNG project<sup>72</sup>

- a failure by a petroleum producer who is a member of an LNG project to give the Commissioner notice of another person who was a member of the LNG project ceasing to be involved in the petroleum venture that constitutes the LNG project<sup>73</sup>
- a failure by a petroleum producer who is a member of an LNG project to give the Commissioner notice of a person starting to be involved in the petroleum venture that constitutes the LNG project.<sup>74</sup>

A maximum penalty of 100 penalty units (\$13,785) is prescribed for each of these offences. The contents of the penalty provisions and their maximum penalties are consistent with those in the 2004 Regulation.<sup>75</sup> Further, the explanatory notes state:

The penalty amount is considered appropriate to provide a deterrent against non-compliance with the requirements. Additionally, the PG Act authorises a regulation to impose a penalty of not more than 100 penalty units for a contravention of a provision of the regulation relating to petroleum royalty.<sup>76</sup>

#### Committee comment

The committee is satisfied that the penalties imposed by SL No. 124 of 2021 are proportionate and relevant.

#### 10.1.1.2 Issue of fundamental legislative principle – Retrospectivity

Section 4(2)(a) of the LSA provides that whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation does not adversely affect rights and liberties, or impose obligations, retrospectively.

To ensure an appropriate transition from the 2004 Regulation, SL No. 124 of 2021 expressly provides that, following its commencement, the Commissioner may make a number of retrospective decisions.<sup>77</sup> These include:

- following an application from a petroleum producer, ending an election made by the petroleum producer to have the average sales price for a particular petroleum type be equal to the benchmark price<sup>78</sup>
- with the petroleum producer's agreement, deciding that the petroleum producer must lodge petroleum royalty returns on a quarterly basis, rather than on a financial year basis<sup>79</sup>
- deciding that the petroleum producer must lodge petroleum royalty returns on the basis of a financial year, rather than on a quarterly basis (the annual lodgement decision)<sup>80</sup>
- following an application by a non-tenure holder to be taken to be a petroleum producer in relation to a stated amount of petroleum produced under a joint venture tenure, granting the application<sup>81</sup>

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<sup>72</sup> SL No. 124 of 2021, s 12(2).

<sup>73</sup> SL No. 124 of 2021, s 13(2).

<sup>74</sup> SL No. 124 of 2021, s 13(4).

<sup>75</sup> SL No. 124 of 2021, explanatory notes, p 4.

<sup>76</sup> SL No. 124 of 2021, explanatory notes, p 4.

<sup>77</sup> SL No. 124 of 2021, explanatory notes, p 5.

<sup>78</sup> SL No. 124 of 2021, ss 66, 67, 70, 71, 74, 75, 78 and 79.

<sup>79</sup> SL No. 124 of 2021, ss 81, 83.

<sup>80</sup> SL No. 124 of 2021, s 83.

<sup>81</sup> SL No. 124 of 2021, ss 90, 92.

- following an application by a non-tenure holder or the holder of an interest in a joint venture tenure (joint venture tenure holder), ending the election period for a joint venture tenure.<sup>82</sup>

In addition to noting that most entities liable for petroleum are corporations rather than individuals, the explanatory notes provide the following justification for the retrospective operation of these provisions:

- except in relation to the annual lodgement decision, a retrospective decision would be as a consequence of a petroleum producer, non-tenure holder or joint venture tenure holder (ie a person affected by the decision) making an application or request to the Commissioner
- although the annual lodgement decision can occur as a result of a unilateral action by the Commissioner, such decision would be beneficial to the petroleum producer because it would decrease the frequency with which the petroleum producer was required to lodge petroleum royalty returns and pay petroleum royalty.<sup>83</sup>

Further, the explanatory notes highlight that ‘the Commissioner is currently empowered under the 2004 Regulation to make decisions retrospectively about the matters the subject of the retrospective decisions’ (that is, SL No. 124 does not empower the Commissioner to make a decision that the Commissioner could not have made under the 2004 Regulation but for its expiry).<sup>84</sup>

#### Committee comment

The committee is satisfied that any potential breach of FLP is justified in the circumstances, given the provisions are consistent with the 2004 Regulation, are likely to be engaged on application by and/or to the advantage of petroleum operators, and in any event, are unlikely to impact individuals.

#### 10.1.1.3 Issue of fundamental legislative principle – Privacy

As previously noted, an individual’s right to privacy is a relevant consideration in determining whether legislation has sufficient regard to the rights and liberties of the individual.<sup>85</sup>

A number of disclosure requirements in the regulation impact on an individual’s right to privacy.<sup>86</sup>

The explanatory notes did not address the issue of privacy in the context of FLPs; however, the right to privacy was addressed in the context of human rights (see 10.2.1). The committee wrote to Queensland Treasury seeking clarification about whether the regulation may be considered to raise an associated potential issue of FLP. In response, Queensland Treasury acknowledged that the SL No. 124 of 2021 ‘engages with privacy rights to the extent that there are circumstances in which the Regulation requires a person to disclose certain information’, but emphasised:

As at the date of this letter, there are no individuals to whom any of the disclosure obligations apply. In addition, an individual would only become subject to the disclosure obligations as a result of that individual taking voluntary, positive action (for instance, becoming the holder of a petroleum authority and commencing to produce petroleum). The PGR Regulation [SL No. 124 of 2021] clearly sets out the extent to which the individual’s rights and liberties will be affected by that action. This allows the individual to make an informed decision.<sup>87</sup>

#### Committee comment

The committee is satisfied that the disclosure requirements are consistent with FLPs. In reaching this conclusion, the committee also considered the explanations set out in the human rights certificate, as outlined in 10.2.1.

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<sup>82</sup> SL No. 124 of 2021, ss 93, 95.

<sup>83</sup> SL No. 124 of 2021, explanatory notes, p 5.

<sup>84</sup> SL No. 124 of 2021, explanatory notes, p 5.

<sup>85</sup> See OQPC, FLP Notebook, January 2008, p 95.

<sup>86</sup> SL No. 124 of 2021, ss 13(2) and (4), 17, 21, 31, 48, 49.

<sup>87</sup> Queensland Treasury, correspondence, 15 October 2021, p 2.

## 10.2 *Human Rights Act 2019* considerations

In the human rights certificate accompanying the regulation, the Treasurer identifies that the regulation potentially limits the human right to privacy and reputation, but states his opinion that SL No. 124 of 2021 is compatible with the HRA 'because it limits human rights only to the extent that is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom'.<sup>88</sup>

The committee's consideration of the identified limitation and explanations provided by the Treasurer are set out below.

### 10.2.1 Right to privacy – *Human Rights Act 2019*, section 25

Under section 25 of the HRA, a person has the right to not have their privacy unlawfully or arbitrarily interfered with.<sup>89</sup>

As previously noted at 10.1.1.3, a number of disclosure requirements in the regulation have implications for the right to privacy. The human rights certificate identifies and addresses these requirements and provides justifications for associated privacy limitations as follows:

- SL No. 124 of 2021 contains a requirement for a person to disclose the person's status as an LNG project member<sup>90</sup> and for the Commissioner to disclose a person's status as an LNG project member.<sup>91</sup> The Treasurer states:

In relation to the LNG project disclosures, any potential impact on a person's right to privacy is considered to be outweighed by the administrative benefits to petroleum producers of having the necessary information available to them to enable them to properly calculate their petroleum royalty liability, and by the benefits to the State and maintaining the integrity of the public revenue.<sup>92</sup>

- SL No. 124 of 2021 contains a requirement for a petroleum producer to disclose to the Commissioner when a person starts or ceases being involved in a petroleum venture that constitutes an LNG project.<sup>93</sup> The Treasurer similarly states in respect of this notification obligation that any potential privacy impact is 'considered to be outweighed by the benefits to the State and maintaining the integrity of the public revenue'.<sup>94</sup>
- SL No. 124 of 2021 provides for the provision of data by a reseller to a petroleum producer, to facilitate the petroleum producer using the average sales price formula to calculate its petroleum royalty liability for a royalty return period.<sup>95</sup> The Treasurer states:

In relation to the reseller information requirement, any potential impact on a person's right to privacy is considered to be outweighed by the administrative benefits to petroleum producers of having the necessary information available to them to enable them to calculate their petroleum royalty liability using arm's length sales information (noting that the 2021 Regulation [SL No. 124 of 2021] does not require a reseller to provide such information), and by the benefits to the State and maintaining the integrity of the public revenue.<sup>96</sup>

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<sup>88</sup> SL 124 of 2021, human rights certificate, p 7.

<sup>89</sup> HRA, s 25.

<sup>90</sup> SL No. 124 of 2021, s 12(2).

<sup>91</sup> SL No. 124 of 2021, ss 10(5)(b) and (c), 12(4).

<sup>92</sup> SL No. 124 of 2021, human rights certificate, p 6.

<sup>93</sup> SL No. 124 of 2021, s 13(2) and (4).

<sup>94</sup> SL No. 124 of 2021, human rights certificate, p 6.

<sup>95</sup> SL No. 124 of 2021, ss 17, 21 and 31.

<sup>96</sup> SL No. 124 of 2021, human rights certificate, p 7.

- SL No. 124 of 2021 contains a requirement for the Commissioner to disclose a person’s petroleum royalty affairs in relation to the administration of the non-tenure holder arrangements provisions.<sup>97</sup> The Treasurer states:


In relation to the non-tenure holder disclosures, any potential impact on a person’s right to privacy is considered to be outweighed by the flexibility afforded to petroleum producers that voluntarily elect to utilise these arrangements. By giving non-tenure holders the ability to make an election to be treated as a tenure holder, they are able to lodge their own royalty returns and maintain the confidentiality of their sales data. Additionally, any potential impact on a person’s right to privacy is considered to be outweighed by the fact that limitations are necessary to ensure both the tenure holder and non-tenure holder have clarity and certainty regarding their obligations under the PG Act and the 2021 Regulation [SL No. 124 of 2021], enabling them to comply with their obligations and thus ultimately ensuring protection of the public revenue for the benefit of the State and all Queenslanders.<sup>98</sup>

#### Committee comment

The committee is satisfied that the regulation’s potential limitation on the right to privacy is reasonable and demonstrably justified, noting the explanations provided by the Treasurer.

### **11 Recommendation**

The committee recommends that the House notes this report.



Linus Power MP

**Chair**

**October 2021**

#### **Economics and Governance Committee**

**Chair**

Mr Linus Power MP, Member for Logan

**Deputy Chair**

Mr Ray Stevens MP, Member for Mermaid Beach

**Members**

Mr Michael Crandon MP, Member for Coomera

Mrs Melissa McMahon MP, Member for Macalister

Mr Daniel Purdie MP, Member for Ninderry

Mr Adrian Tantari MP, Member for Hervey Bay

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<sup>97</sup> SL No. 124 of 2021, ss 48 and 49.

<sup>98</sup> SL No. 124 of 2021, human rights certificate, p 7.

**Appendix A – Uniform subordinate legislation exempted from expiry**

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>
Mutual Recognition (Queensland) Regulation 2009	Further exemption: uniform	31 August 2026
Proclamations made under the <i>Maintenance Act 1965</i> , section 98	Further exemption: uniform	30 June 2027
Maintenance Regulations 1967	Further exemption: uniform	30 June 2027



**Appendix B – Subordinate legislation exempted from expiry until 31 August 2022**

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Section 56A tabling date and Minister</b>
Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Appeal Costs Fund Regulation 2010	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Associations Incorporation Regulation 1999	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Body Corporate and Community Management Regulation 2008	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Building Fire Safety Regulation 2008	Further exemption: review s 56A(4)	15 October 2021 Minister for Corrective Services and Minister for Fire and Emergency Services
Building Units and Group Titles Regulation 2008	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Casino Control Regulation 1999	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Charitable and Non-Profit Gaming Regulation 1999	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Collections Regulation 2008	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence

Subordinate legislation tabled between 16 June 2021 and 31 August 2021

Court Funds Regulation 2009	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Electricity Regulation 2006	Further exemption: review s 56A(4)	11 October 2011 Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement
Energy and Water Ombudsman Regulation 2007	Further exemption: review s 56A(4)	11 October 2011 Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement
Fair Trading (Code of Practice—Fitness Industry) Regulation 2003	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Fire and Emergency Services Regulation 2011	Subject to review s 56A(1)	N/A
Forensic Disability Regulation 2011	Subject to review s 56A(1)	N/A
Funeral Benefit Business Regulation 2010	Subject to review s 56A(1)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Gaming Machine Regulation 2002	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Gas Supply Regulation 2007	Further exemption: review s 56A(4)	11 October 2011 Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement
Health (Drugs and Poisons) Regulation 1996	Further exemption: review s 56A(4)	6 October 2021 Minister for Health and Ambulance Services
Health Regulation 1996	Further exemption: review s 56A(4)	6 October 2021 Minister for Health and Ambulance Services
Information Privacy Regulation 2009	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence

Subordinate legislation tabled between 16 June 2021 and 31 August 2021

Interactive Gambling (Player Protection) Regulation 1998	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Keno Regulation 2007	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Liquor (Approval of Adult Entertainment Code) Regulation 2002	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Liquor Regulation 2002	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Lotteries Regulation 2007	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Pest Management Regulation 2003	Further exemption: review s 56A(4)	6 October 2021 Minister for Health and Ambulance Services
Public Sector Ethics Regulation 2010	Subject to review s 56A(1)	N/A
Residential Tenancies and Rooming Accommodation Regulation 2009	Further exemption: review s 56A(4)	11 October 2021 Minister for Communities and Housing, Minister for Digital Economy and Minister for the Arts
Right to Information Regulation 2009	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Royal National Agricultural and Industrial Association of Queensland Regulation 2010	Subject to review s 56A(1)	N/A
Rural and Regional Adjustment Regulation 2011	Subject to review s 56A(1)	22 September 2021 Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities

Subordinate legislation tabled between 16 June 2021 and 31 August 2021

Second-hand Dealers and Pawnbrokers Regulation 2004	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Security Providers (Crowd Controller Code of Practice) Regulation 2008	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Security Providers Regulation 2008	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Security Providers (Security Firm Code of Practice) Regulation 2008	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Security Providers (Security Officer—Licensed Premises—Code of Practice) Regulation 2008	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
State Buildings Protective Security Regulation 2008	Further exemption: review s 56A(4)	15 October 2021 Minister for Police and Minister for Corrective Services and Minister for Fire and Emergency Services
Stock Route Management Regulation 2003	Further exemption: review s 56A(4)	12 October 2021 Minister for Resources
Sugar Industry Regulation 2010	Further exemption: review s 56A(4)	22 September 2021 Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities
Tourism Services (Code of Conduct for Inbound Tour Operators) Regulation 2003	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Tourism Services Regulation 2003	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Tow Truck Regulation 2009	Further exemption: review s 56A(4)	11 October 2021 Minister for Transport and Main Roads

Subordinate legislation tabled between 16 June 2021 and 31 August 2021

Transport Infrastructure (Public Marine Facilities) Regulation 2011	Subject to review s 56A(1)	N/A
Transport Operations (Passenger Transport) Standard 2010	Further exemption: review 56A(4)	11 October 2021 Minister for Transport and Main Roads
Trust Accounts Regulation 1999	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Wagering Regulation 1999	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
Wine Industry Regulation 2009	Further exemption: review s 56A(4)	30 September 2021 Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence