

**Portfolio subordinate legislation  
tabled between 17 May 2012 and  
31 July 2012**

**Report No. 19**

**Finance and Administration Committee**

**August 2012**

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## FINANCE AND ADMINISTRATION COMMITTEE

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## 1. Introduction

### 1.1 Role of the Committee

The Finance and Administration Committee (the Committee) is a portfolio committee established by the *Parliament of Queensland Act 2001* and the Standing Orders of the Legislative Assembly on 18 May 2012.<sup>1</sup> The Committee's primary areas of responsibility are: Premier and Cabinet; and Treasury and Trade.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each Bill and item of subordinate legislation in its portfolio area to consider –

- a) the policy to be given effect by the legislation;
- b) the application of fundamental legislative principles to the legislation; and
- c) for subordinate legislation – its lawfulness.

### 1.2 Aim of this report

This report presents the committee's findings from its consideration of items of subordinate legislation tabled between 17 May 2012 and 31 July 2012 that fall within its portfolio responsibilities.

### 1.3 Findings and recommendations

The Committee recommends that the Legislative Assembly note the subordinate legislation tabled between 17 May 2012 and 31 July 2012 and considered by the Committee. The Committee did not identify any significant issues regarding consistency with fundamental legislative principles or the lawfulness of the subordinate legislation.

## 2. Subordinate legislation considered

The following table lists the subordinate legislation considered by the Committee and the deadline in each case for Members to give notice in the House of a disallowance motion in accordance with Standing Order 59.<sup>2</sup>

SL No 2012	Subordinate Legislation	Tabled Date	Disallowance Date <sup>3</sup>
16	<i>Motor Accident Insurance Amendment Regulation (No.2) 2012</i>	19 June 2012	13 September 2012
78	<i>Statutory Instruments Amendment Regulation (No.1) 2012</i>	10 July 2012	31 October 2012
81	<i>South East Queensland Water (Restructuring) and Another Regulation Amendment (No.1) 2012</i>	10 July 2012	31 October 2012
89	<i>Revenue Legislation Amendment Regulation (No.1) 2012</i>	10 July 2012	31 October 2012
95	<i>Superannuation (State Public Sector) Amendment Notice (No.1) 2012</i>	10 July 2012	31 October 2012

<sup>1</sup> *Parliament of Queensland Act 2001*, s.88 and Standing Order 194

<sup>2</sup> Section 50 of the *Statutory Instruments Act 1992* provides that the Legislative Assembly may pass a resolution disallowing subordinate legislation if notice of a disallowance motion is given by a Member within 14 sitting days after the legislation is tabled in the Legislative Assembly.

<sup>3</sup> Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

SL No 2012	Subordinate Legislation	Tabled Date	Disallowance Date <sup>4</sup>
96	<i>State Penalties Enforcement Amendment Regulation (No.2) 2012</i>	10 July 2012	31 October 2012
108	<i>State Penalties Enforcement Amendment Regulation (No.3) 2012</i>	31 July 2012	14 November 2013

### 3. Issues for consideration

The Committee identified potential fundamental legislative principle (FLP) and/or other issues with the following subordinate legislation highlighted in the table:

- *South East Queensland Water (Restructuring) Amendment Regulation (No.1) 2011*

#### 3.1 *South East Queensland Water (Restructuring) Amendment Regulation (No.1) 2012*

This regulation is one of a series of regulations instigating the changes to the revised operating strategy foreshadowed in the *Revenue and other Legislation Amendment Bill 2011*.

The objectives of the regulation are to:

- transfer the shares in Southern Regional Water Pipeline Company Pty Ltd (SRWP) from the State to the Queensland Bulk Water Transport Authority (LinkWater);
- transfer the Northern Pipeline Interconnector Stage 2 (NDPI 2 project) from SRWP to LinkWater; and
- transfer any residual assets, instruments, liabilities and proceedings of SRWP to LinkWater.

##### 3.1.1 *Fundamental legislative principles issues*

The explanatory notes state that the regulation may raise some issues with regard to the FLPs, but these issues have been thoroughly considered. It further states that these provisions were justified to the Parliament in the explanatory notes for the *Revenue and other Legislation Amendment Bill 2011* which inserted the authorising law into the SEQWR Act.

The explanatory notes acknowledge that third party rights may be affected by allowing the transfer of assets, liabilities, instruments and legal proceedings (current or prospective) by regulation without their consent. The explanatory notes advise that these provisions do not override the substance of third party rights or enhance any rights being conferred on the relevant water entities.

The issues raised were examined and reported upon by the former Scrutiny of Legislation Committee (SLC) when considering the *Revenue and Other Legislation Amendment Bill 2011* and previously by this Committee.

##### 3.1.2 *Lawfulness*

The regulation is lawful and within regulatory power.

##### 3.1.3 *Committee comments*

The Committee is satisfied that the FLP issues raised in this regulation have been considered by the House during its consideration of the *Revenue and Other Legislation Amendment Bill 2011* and that the regulation raises no additional matters.

<sup>4</sup> Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.