

Economics and Governance Committee

Report No. 27, 57th Parliament

Subordinate legislation tabled between
16 March 2022 and 10 May 2022

1 Aim of this report

This report summarises the Economics and Governance Committee’s (committee) findings following its examination of the subordinate legislation within its portfolio areas tabled between 16 March 2022 and 10 May 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 (FLPs),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 on the committee’s consideration of compliance with the *Human Rights Act 2019* (HRA) and the human rights certificate tabled with the subordinate legislation.⁵

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date*
032	Motor Accident Insurance and Other Legislation (Administration Fee and Levies) Amendment Regulation 2022	10 May 2022	31 August 2022
039	Acts Interpretation (Fee Unit) Regulation 2022	10 May 2022	31 August 2022

*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

No significant issues regarding policy, consistency with fundamental legislative principles or the lawfulness of the above subordinate legislation was identified. In addition, no significant issues were identified with the compatibility of the Acts Interpretation (Fee Unit) Regulation 2022 with human rights.

The committee considered the human rights implications of the Motor Accident Insurance and Other Legislation (Administration Fee and Levies) Amendment Regulation 2022 (SL No. 32 of 2022) identified in its accompanying human rights certificate, but was satisfied that the subordinate legislation is compatible with human rights.

¹ *Legislative Standards Act 1992* (LSA) s 4.

² *Human Rights Act 2019* (HRA) s 8.

³ *Parliament of Queensland Act 2001* (POQA) s 93.

⁴ LSA, Part 4.

⁵ HRA, s 41.

The committee considered that the explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the LSA. 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 its compatibility with the HRA.

A brief overview of the subordinate legislation is set out below.

4 Motor Accident Insurance and Other Legislation (Administration Fee and Levies) Amendment Regulation 2022

The Motor Accident Insurance and Other Legislation (Administration Fee and Levies) Amendment Regulation 2022 (SL No. 32) fixes:

- the levies and administration fee to apply to Compulsory Third Party (CTP) insurance premiums from 1 July 2022 to 30 June 2023
- the levy for the National Injury Insurance Scheme Queensland (NIISQ) for the 2022-2023 financial year.⁶

The explanatory notes advise that the levies and administration fee are fixed to enable the efficient collection of funds (via CTP insurance premiums) necessary to support the cost of delivering different components of the CTP scheme and to fund the NIISQ.⁷

From 1 July 2022, the total levies and administration fee (including the NIISQ levy of \$116.60) will be \$144.00 per Class 1 vehicle (cars and station wagons). In total, this represents an increase of \$4.20 (or 3%) from the previous financial year.⁸

4.1 Compatibility with the *Human Rights Act 2019*

The human rights certificate states that the regulation may engage human rights, in that an increase in the compulsory third party (CTP) levies and administration fee could potentially affect an individual's ability to afford to register a motor vehicle, which in turn could limit their freedom of movement (section 19 of the HRA).⁹

Further, the human rights certificate states that an individual's right to property (section 24 of the HRA) could be limited to the extent that an increase in fees could have the effect of depriving a person of additional money (compared to the levies and administration fee applicable in 2021-22).¹⁰

However, the human rights certificate states that any potential impact on these rights is considered to be outweighed by:

... the importance of the broader public benefits of providing an efficient means of funding entities to deliver different components of the CTP scheme and the NIISQ [National Injury Insurance Scheme], including providing necessary and reasonable services to individuals who sustain serious eligible injuries in a motor vehicle accident.¹¹

Committee comment

The committee agrees that any potential impact on the right to freedom of movement and property rights is outweighed by the broader public benefits of funding entities to deliver different components of the CTP scheme and the NIISQ.

⁶ SL No 32, explanatory notes, pp 1-2.

⁷ SL No 32, explanatory notes, p 2.

⁸ SL No 32, explanatory notes, p 2.

⁹ SL No. 32, human rights certificate, p 2.

¹⁰ SL No. 32, human rights certificate, p 3.

¹¹ SL No. 32, human rights certificate, p 4.

In addition, the committee considers it difficult to see how the amount of an increase of \$4.20 could impact on individual motor vehicle owners to the extent that it would result in an individual no longer being able to afford to register a motor vehicle (therefore restricting their freedom of movement) or substantially depriving an individual of the use of property (i.e. money). The committee also notes that section 24 of the HRA provides that a person must not be *arbitrarily* deprived of the person's property, and that the element of arbitrariness is not present in this instance.

The committee is satisfied that the subordinate legislation is compatible with human rights.

5 Acts Interpretation (Fee Unit) Regulation 2022

In 2021, the *Acts Interpretation Act 1954* (AI Act) was amended to introduce a fee unit model to 'streamline the annual process of indexing regulatory fees'.¹² Indexation of the fee unit value eliminates the need for 'the amendment of hundreds of pages of agency regulation to index each individual fee'.¹³

Under the AI Act, the amount of a fee is the number of dollars obtained by multiplying the value of a fee unit by the number of fee units.¹⁴ The AI Act provides that the value of a fee unit is \$1 unless another amount is prescribed.¹⁵

The Acts Interpretation (Fee Unit) Regulation 2022 (SL No. 39) prescribes that, from 1 July 2022, the value of a fee unit is \$1.025 (an increase of 2.5%), except for certain Acts for which the value of a fee will remain at \$1 until the dates specified.¹⁶

6 Recommendation

The committee recommends that the House notes this report.



Linus Power MP

Chair

June 2022

Economics and Governance Committee

Chair

Deputy Chair

Members

Mr Linus Power MP, Member for Logan
Mr Ray Stevens MP, Member for Mermaid Beach
Mr Don Brown MP, Member for Capalaba¹⁷
Mr Michael Crandon MP, Member for Coomera
Mrs Melissa McMahon MP, Member for Macalister¹⁸
Mr Daniel Purdie MP, Member for Ninderry
Mr Adrian Tantari MP, Member for Hervey Bay

¹² Debt Reduction and Savings Bill 2021, explanatory notes, p 1.

¹³ SL No. 39, explanatory notes, p 1.

¹⁴ *Acts Interpretation Act 1954*, s 48C.

¹⁵ *Acts Interpretation Act 1954*, s 48B.

¹⁶ SL No. 39, ss 2-3.

¹⁷ From 3 June 2022.

¹⁸ Up to 2 June 2022.