

Education, Employment and Training Committee

Report No. 13, 57th Parliament

Subordinate legislation tabled between 10 August 2021 and 31 August 2021

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 between 10 August 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),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
63	Racing (Fees) Amendment Regulation 2021	31 August 2021	18 November 2021
64	Racing Integrity (Fees) Amendment Regulation 2021	31 August 2021	18 November 2021
81	Electrical Safety and Other Legislation (Fees) Amendment Regulation 2021	31 August 2021	18 November 2021
89	Further Education and Training (Fees) Amendment Regulation 2021	31 August 2021	18 November 2021

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

¹ Section 4 of the *Legislative Standards Act 1992* 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) 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 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)).

3 Committee consideration of the subordinate legislation

No significant issues were identified by the committee regarding the policy, consistency with FLPs, human rights compatibility, or lawfulness of SL 2021 Nos. 63, 64, 81 and 89.

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

A brief overview of the subordinate legislation is provided below.

4 SL No. 63 - Racing (Fees) Amendment Regulation 2021

4.1 Objectives

The objective of the Racing (Fees) Amendment Regulation 2021 (SL No. 63) is to increase the fees in the Racing Regulation 2013 in accordance with the Queensland Government's policy on the annual indexation of fees and charges. The government indexation rate for the 2021-22 financial year is 1.7%.⁶

The 2 fees to be increased are:

- application fee for approval as a control body, under s 46(1)(a) of the *Racing Act 2002* – this fee increases from \$7,543.00 to \$7,671.25
- fee for each year a control body's approval has effect, under s 65(2)(a) of the *Racing Act 2002* – this fee increases from \$3,770.00 to \$3,834.10.⁷

Prior to this amendment, the fees had not been increased since July 2017. The increases in the fees are within the indexation rate of 1.7%.

The explanatory notes advise that there are currently no control bodies subject to an annual fee.⁸

5 SL No. 64 - Racing Integrity (Fees) Amendment Regulation 2021

5.1 Objectives

The objective of the Racing Integrity (Fees) Amendment Regulation 2021 (SL No. 64) is to increase the fee in the Racing Integrity Regulation 2016 in line with the Queensland Government's policy on the annual indexation of fees and charges.⁹

The only fee contained in the Racing Integrity Regulation 2016 is the application fee for a racing bookmaker's licence. The increase in this fee comes within the indexation rate for the 2021-22 financial year of 1.7%.

From 1 July 2021 the indexed application fee for a racing bookmaker's licence will be \$2,609 for an individual and \$7,505 for a corporation.¹⁰

6 SL No. 81 - Electrical Safety and Other Legislation (Fees) Amendment Regulation 2021

6.1 Objectives

The objective of the Electrical Safety and Other Legislation (Fees) Amendment Regulation 2021 (SL No. 81) is to increase the fees and charges prescribed under the following regulations, in accordance with the Queensland Government's policy on the annual indexation of fees and charges:

⁶ SL No. 63, explanatory notes, p 1.

⁷ Racing Regulation 2013, schedule 2; SL No. 63, explanatory notes, p 1.

⁸ SL No. 63, explanatory notes, p 2.

⁹ SL No. 64, explanatory notes, p 1.

¹⁰ SL No. 64, explanatory notes, p 1.

- Electrical Safety Regulation 2013
- Labour Hire Licensing Regulation 2018
- Work Health and Safety Regulation 2011.¹¹

The fee increases are within the indexation rate for the 2021-22 financial year of 1.7% and take effect on 1 July 2021.

7 SL No.89 - Further Education and Training (Fees) Amendment Regulation 2021

7.1 Objectives

The objective of the Further Education and Training (Fees) Amendment Regulation 2021 (SL No. 89) is to increase the fees for prescribed documents in the Further Education and Training Regulation 2014 in accordance with the Queensland Government's policy on the annual indexation of fees and charges.¹²

The increases in the fees come within the indexation rate for the 2021-22 financial year of 1.7%.

8 Recommendation

The committee recommends that the Legislative Assembly notes this report.



Kim Richards MP

Chair

October 2021

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

¹¹ SL No. 81, explanatory notes, pp 1-2.

¹² SL No. 89, explanatory notes, p 1.