

Community Support and Services Committee

Report No. 28, 57th Parliament

Subordinate legislation tabled between 17 August 2022 and 29 November 2022

1 Aim of this report

This report summarises the committee's findings following the examination of the subordinate legislation within the committee's portfolio areas tabled between 17 August 2022 and 29 November 2022. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles (FLPs) and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).¹

The report outlines the committee's consideration of compliance with the *Human Rights Act 2019* (HRA) and the human rights certificates tabled with the subordinate legislation.²

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
149	Proclamation – <i>Child Protection Reform and Other Legislation Amendment Act 2022</i>	8 November 2022	29 March 2023
164	Public Records (Crime and Corruption Commission of Inquiry) Amendment Regulation 2022	29 November 2022	19 April 2023

*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 identified no significant issues regarding policy, consistency with FLPs or the lawfulness of the subordinate legislation.

The committee considered potential FLP issues and human rights implications in relation to:

- Proclamation – *Child Protection Reform and Other Legislation Amendment Act 2022*
- Public Records (Crime and Corruption Commission of Inquiry) Amendment Regulation 2022.

The committee is satisfied that the subordinate legislation raises no FLP issues and is compatible with human rights.

The committee considers that the explanatory notes tabled with the subordinate legislation complies with the requirements of s 24 of the LSA. The human rights certificates tabled with the subordinate

¹ *Legislative Standards Act 1992* (LSA), Part 4.

² *Human Rights Act 2019*, s 41.

legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.³

4 Proclamation – Child Protection Reform and Other Legislation Amendment Act 2022 (SL No. 149-2022)

The objective of the Proclamation – *Child Protection Reform and Other Legislation Amendment Act 2022* (SL No. 149-2022) is to commence certain provisions in Parts 3, 7 and Schedule 1 of the *Child Protection Reform and Other Legislation Amendment Act 2022* on 31 October 2022.⁴

The amendments to commence are intended to streamline, clarify and improve the regulation of care and make a number of minor, consequential and technical amendments.⁵

4.1 Fundamental legislative principle issues

The committee identified no FLP issues.

4.2 Explanatory notes

The committee is satisfied that the explanatory notes comply with part 4 of the LSA.

4.3 Human rights considerations

Section 8 of the 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 that Act. Section 13 of the HRA provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

We are satisfied that the subordinate legislation is compatible with human rights.

4.4 Human rights certificate

Section 41 of the HRA requires that the responsible Minister for the subordinate legislation must prepare a human rights certificate for the legislation.

A human rights certificate was tabled with the subordinate legislation.

The committee is of the view that the human rights certificate tabled with the subordinate legislation provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 Public Records (Crime and Corruption Commission of Inquiry) Amendment Regulation 2022 (SL 164-2022)

The objective of the Public Records (Crime and Corruption Commission of Inquiry) Amendment Regulation 2022 (SL No. 164-2022) is to prescribe the Department of Justice and Attorney-General (DJAG) as the relevant and responsible public authority for public records of the Commission of Inquiry relating to the Crime and Corruption Commission (Commission of Inquiry).⁶

The Commission of Inquiry was established by *Commissions of Inquiry Order (No. 1 of 2022)*, issued by the Governor in Council, under the *Commission of Inquiry Act 1950*.

The Commission of Inquiry was a public authority under the *Public Records Act 2002*.

³ *Human Rights Act 2019*, s 41.

⁴ SL No. 149-2022, Explanatory notes, p 1.

⁵ SL No. 149-2022, Human Rights Certificate, p 1.

⁶ SL No. 164-2022, Explanatory notes, p 1.

The Commission of Inquiry provided its report to the Premier and Minister for the Olympics, and the Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence on 9 August 2022. The Commission of Inquiry ceased to exist on that date and its functions will not be continued by another public authority.⁷

The amendments contained in SL No. 164-2022 make provision for DJAG to take responsibility for records of the Commission of Inquiry as the relevant public authority in Schedule 1 of the Public Record Regulation 2014 and the responsible public authority in Schedule 2 of the Public Record Regulation 2014.⁸

5.1 Fundamental legislative principle issues

The committee identified no FLP issues.

5.2 Explanatory notes

The committee is satisfied that the explanatory notes comply with part 4 of the LSA.

5.3 Human rights considerations

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

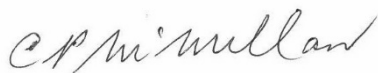
5.4 Human rights certificate

A human rights certificate was tabled with the subordinate legislation.

The committee is of the view that the human rights certificate tabled with the subordinate legislation provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

6 Recommendation

The committee recommends that the House notes this report.



Ms Corrine McMillan MP

Chair

February 2023

Community Support and Services Committee

Chair	Ms Corrine McMillan MP, Member for Mansfield
Deputy Chair	Mr Stephen Bennett MP, Member for Burnett
Members	Mr Michael Berkman MP, Member for Maiwar
	Ms Cynthia Lui MP, Member for Cook
	Dr Mark Robinson MP, Member for Oodgeroo
	Mr Robert Skelton MP, Member for Nicklin

⁷ SL No. 164-2022, Explanatory notes, pp 1-2.

⁸ Public Records (Crime and Corruption Commission of Inquiry) Amendment Regulation 2022, cls 2-4.