



QUEENSLAND PARLIAMENT **COMMITTEES**

**Report on subordinate legislation tabled between 25 June 2025 and
26 August 2025**

Education, Arts and Communities Committee



Report No. 8

58th Parliament, October 2025

Overview

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 25 June 2025 and 26 August 2025. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).¹

The report also notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (HRA)² and the human rights certificate tabled with the subordinate legislation.³

Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
76	Disability Services Amendment Regulation (No. 2) 2025	26 August 2025	20 November 2025

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

Committee consideration of the subordinate legislation

Committee Comment



The committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, the lawfulness of the subordinate legislation or non-compliance with the HRA.

Similarly, the committee considers that the explanatory notes tabled with the subordinate legislation noted in this report comply with the requirements of section 24 of the LSA, which includes advice about consultation, and that 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.

1. SL No. 76 – Disability Services Amendment Regulation (No. 2) 2025

The Disability Services Amendment Regulation (No. 2) 2025 (SL No. 76) amends the commencement date of the Disability Services Amendment Regulation 2025 (SL No. 47) due to the changed commencement date of the *Aged Care Act 2024* (Cth) (the new Aged Care Act).

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

² *Human Rights Act 2019* (HRA), ss 8, 13.

³ HRA, s 41.

The new Aged Care Act was to commence on 1 July 2025, and this was the originally scheduled commencement date of SL No. 47. However, the Commonwealth Government has deferred commencement of the new Aged Care Act to 1 November 2025.⁴

SL No. 76 omits reference to the commencement date of 1 July 2025 in SL No. 47 and replaces it with reference to ‘the commencement of the *Aged Care Act 2024*, section 65.’⁵ According to the explanatory notes, this wording has been used to safeguard against any further deferral of the new Aged Care Act’s commencement.⁶

Institution of Parliament

Replacing SL No. 47’s commencement date of 1 July 2025 with a reference to the commencement of section 65 of the new Aged Care Act effectively allows an outside body (being the Federal Parliament) to determine the commencement of Queensland legislation. Arguably, this undermines the authority of the Queensland Parliament. Referencing the commencement of the Commonwealth legislation also creates uncertainty because it is not known what date the Commonwealth legislation will commence.⁷

However, while it is not common practice to refer to the commencement of the legislation of other jurisdictions in Queensland’s commencement provisions, it is understandable in this instance given SL No. 47 has only one substantive provision which directly references the new Aged Care Act, and the commencement of that Act has already been delayed once.

As noted above, it is expected that the new Aged Care Act will now commence on 1 November 2025. However, as the explanatory notes state, SL No. 76 does not reference that date so as to ‘safeguard against any further deferral of the new Aged Care Act’s commencement’.⁸

1.1 Explanatory notes and FLP

No issues of fundamental legislative principle were identified. The explanatory notes comply with part 4 of the LSA.

1.2 Human Rights Act 2019

The committee is satisfied that the amendment regulations are compatible with human rights.⁹

⁴ SL No. 76, explanatory notes, p 1.

⁵ SL No. 76, s 3.

⁶ SL No. 76, explanatory notes, p 2.

⁷ While it is expected that section 65 of the new Aged Care Act will commence on 1 November 2025, it may be deferred again.

⁸ SL No. 76, explanatory notes, p 2.

⁹ Section 8 of the HRA relevantly provides that a statutory provision is compatible with human rights if the provision 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 under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

1.3 Human Rights Certificate

The human rights certificate tabled with SL No. 76 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.



Recommendation 1

The committee recommends that the Legislative Assembly note this report.

Nigel Hutton MP

Chair

Education, Arts and Communities Committee

Chair Nigel Hutton MP, Member for Keppel

Deputy Chair Corrine McMillan MP, Member for Mansfield

Members Wendy Bourne MP, Member for Ipswich West

Nicholas (Nick) Dametto MP, Member for Hinchinbrook (until 13 October 2025)

Hon Michael (Mick) de Brenni MP, Member for Springwood (from 14 October 2025)

Ariana Doolan MP, Member for Pumicestone

Jon Krause MP, Member for Scenic Rim