

Proclamation – Community Services Industry (Portable Long Service Leave) Act 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Grace Grace, Minister for Education and Minister for Industrial Relations provide this human rights certificate with respect to the *Proclamation – Community Services Industry (Portable Long Service Leave) Act 2020* (Proclamation) made under the *Community Services Industry (Portable Long Service Leave) Act 2020*.

In my opinion, the Proclamation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The purpose of the proclamation is to fix 15 July 2020 for the commencement of Part 13, Divisions 1A and 8 of the *Community Services Industry (Portable Long Service Leave) Act 2020* (the CSI Act).

Division 8 contains all of the amendments to the *Youth Justice Act 1992* (the YJ Act) that are contained in the CSI Act. Division 1A contains amendments to the *Bail Act 1980* that are consequential to the YJ Act amendments.

The proclamation commences all of the provisions of the CSI Act relating to the youth justice system that are not in force.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The proclamation commences all of the provisions of the CSI Act relating to the youth justice system.

These amendments to the YJ Act do limit human rights, and the statement of compatibility that accompanied the amendments details how those amendments are reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom under section 13 of the *Human Rights Act 2019*.

However, as the proclamation does not contain any substantive legislative provisions and is of a machinery nature, it does not raise any further human rights issues.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

As the proclamation itself does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 13 of the *Human Rights Act 2019*.

Conclusion

I consider that the Proclamation is compatible with the *Human Rights Act 2019* because it does not raise any human rights issues.

HONOURABLE GRACE GRACE MP
MINISTER FOR EDUCATION AND MINISTER FOR INDUSTRIAL RELATIONS

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