

Statutory Instruments (Exemptions from Expiry) Amendment Regulation 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, Annastacia Palaszczuk MP, Premier and Minister for Trade provide this human rights certificate with respect to the Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2020 (Amendment Regulation) made under the *Statutory Instruments Act 1992* (SIA Act).

In my opinion, the Amendment Regulation, 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

Part 7 of the SIA Act is designed to require regular review of Queensland's subordinate legislation by causing most subordinate legislation to automatically expire on 1 September first occurring after the tenth anniversary of the day of its making.

Section 56 of the Act allows a regulation to be made to exempt uniform subordinate legislation from expiry for a stated period of not more than five years after the uniform subordinate legislation would otherwise expire.

Section 56A(1) of the Act allows a regulation to be made to exempt subordinate legislation from expiry for one year on the following grounds:

- replacement subordinate legislation is being drafted and is proposed to be made before the stated period ends [section 56A(1)(a)(i)];
- the subordinate legislation is not proposed to be replaced or preserved when it expires at the end of the stated period [section 56A(1)(a)(ii)]; or
- the Act or provision under which or in relation to which the subordinate legislation or part of the subordinate legislation is made or preserved is subject to review [section 56A(1)(b)].

Subordinate legislation previously extended under section 56A(1)(b) may also be further extended for periods of not more than one year under section 56A(2) of the Act.

The Amendment Regulation ensures that subordinate legislation may be exempted from expiry or further exempted from expiry where appropriate grounds exist under sections 56 and 56A of the SIA Act.

Human Rights Issues

The Amendment Regulation does not affect or engage a human right.

When individual regulations are remade, they will be subject to human rights analysis and must be accompanied by a human rights certificate that details whether the subordinate legislation is compatible with the *Human Rights Act 2019*.

Conclusion

I consider that the Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2020 is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

ANNASTACIA PALASZCZUK MP
PREMIER OF QUEENSLAND
MINISTER FOR TRADE

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