

**Subordinate legislation tabled  
between 28 July 2012 and  
31 July 2012**

**Report No. 12**

**Education and Innovation Committee**

October 2012

**Education and Innovation Committee**

**Chair** Mrs Rosemary Menkens MP, Member for Burdekin

**Deputy Chair** Mr Tim Mulherin MP, Member for Mackay

**Members** Mr Steve Bennett MP, Member for Burnett  
Mr Mark Boothman MP, Member for Albert  
Mr Michael Latter MP, Member for Waterford  
Ms Annastacia Palaszczuk MP, Member for Inala  
Mr Michael Pucci MP, Member for Logan  
Mr Neil Symes MP, Member for Lytton

**Committee Staff** Ms Bernice Watson, Research Director  
Ms Emily Booth, Principal Research Officer  
Ms Carolyn Heffernan, Executive Assistant

**Technical Scrutiny Secretariat** Ms Renee Easten, Research Director  
Ms Marissa Ker, Principal Research Officer  
Ms Tamara Vitale, Executive Assistant

**Contact details** Education and Innovation Committee  
Parliament House  
George Street  
Brisbane Qld 4000

**Telephone** +61 7 3406 7363

**Fax** +61 7 3406 7500

**Email** [eic@parliament.qld.gov.au](mailto:eic@parliament.qld.gov.au)

**Web** [www.parliament.qld.gov.au/eic](http://www.parliament.qld.gov.au/eic)

## 1 Introduction

### Role of the Committee

The Education and Innovation Committee (the committee) is a portfolio committee established by the [Parliament of Queensland Act 2001](#) and the Standing Orders of the Legislative Assembly on 18 May 2012.<sup>1</sup> It consists of government and non-government members. The committee's primary areas of responsibility are education, training, employment, science, information technology, innovation and the arts.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each Bill and item of subordinate legislation in its portfolio area to consider:

- a) the policy to be given effect by the legislation,
- b) the application of fundamental legislative principles to the legislation, and
- c) for subordinate legislation – its lawfulness.

### Aim of this report

This report advises of subordinate legislation examined and, where applicable, presents any concerns the committee has identified in respect of subordinate legislation 103 and 110, tabled on 31 July 2012.

## 2 Subordinate legislation examined

No.	Subordinate Legislation	Tabled Date	Disallowance Date
103	Vocational Education, Training and Employment and Other Legislation Amendment Bill (No. 1) 2012	31 July 2012	14 November 2012
110	<i>Education and Care Services National Law (Queensland) Amendment Regulation (No. 1) 2012</i>	31 July 2012	14 November 2012

### Vocational Education, Training and Employment and Other Legislation Amendment Bill (No. 1) 2012

This Bill ensures that subordinate legislation is consistent with Queensland and national Vocational Education and Training (VET) legislation, following referral of power for the regulation of VET courses and registered training organisations to the Commonwealth Parliament in June 2012. For example, references to an organisation that no longer exists (Training and Employment Recognition Council) are replaced with references to Skills Queensland, and definitions in subordinate legislation are made consistent with the *Vocational Education, Training and Employment Act 2000*. Fees for the recognition of a vocational placement scheme are also indexed by 3.5%.<sup>2</sup>

<sup>1</sup> *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

<sup>2</sup> Explanatory Notes, Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 1) 2012, pp2-4.

*Education and Care Services National Law (Queensland) Amendment Regulation (No. 1) 2012*

A new central governing body is prescribed for the purposes of the *Education and Care Services National Law (Qld) Act 2011*. A central governing body (CGB) is a prescribed entity that receives funding from the Department for a kindergarten program, which is provided by one or more services. Entities that are CGBs are prescribed in section 3 of the *Education and Care Services National Law (Queensland) Regulation 2011*.

The operations and assets of Crèche and Kindergarten Association of Queensland, a prescribed CGB, and all existing agreements between the Department and this organisation have been transferred to the Crèche and Kindergarten Association Limited. This is a company limited by guarantee and a new legal entity. The transfer was executed on 29 June 2012.

The Crèche and Kindergarten Association Limited will be the CGB responsible for the collection of unit record level (URL) data on behalf of relevant kindergarten services. This data includes information about children enrolled at the service and staff of the service.<sup>3</sup>

### **3 Recommendation**

The committee has examined the policy to be given effect by the subordinate legislation, the application of fundamental legislative principles and lawfulness, and has not identified any issues.

**Recommendation 1**

That the House note the contents of this report.

---

<sup>3</sup> Explanatory Notes, *Education and Care Services National Law (Queensland) Amendment Regulation (No. 1) 2012*, pp1-2.