

**Subordinate legislation tabled  
between 19 June 2012 and  
27 July 2012**

**Report No. 8**  
**Education and Innovation Committee**  
August 2012

**Education and Innovation Committee**

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## 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 70 and 71, tabled on 19 June 2012.

## 2 Subordinate legislation examined

No.	Subordinate Legislation	Tabled Date	Disallowance Date
70	Proclamation of the <i>Education and Training Legislation Amendment Act 2011</i>	19 June 2012	13 September 2012
71	Education Legislation Amendment Regulation (No. 2) 2012	19 June 2012	13 September 2012

### Proclamation of the *Education and Training Legislation Amendment Act 2011*

This proclamation defers commencement of expanded reporting requirements in the *Education (General Provisions) Act 2006* (EGPA) as an unintended consequence was identified that conflicts with the policy intent of the Act. Expanded reporting obligations require school staff to report the likelihood of future sexual abuse by any person. Specifically, school staff who fail to report likely future sexual abuse may be guilty of a misdemeanour under the *Criminal Code* and be subject to imprisonment.

It was the intention of the *Education and Training Legislation Amendment Act 2011* that failure to report a likelihood of future sexual abuse would be addressed by the education sector, rather than criminal sanction, to mitigate concern that reporting of low level matters would increase with the threat of the latter. Consequently, commencement of the sections of the Act that deal with expanded reporting requirements are to be deferred until the EGPA is amended to clarify that section 204 of the *Criminal Code* does not apply to a failure to report a likelihood of sexual abuse.

### Education Legislation Amendment Regulation (No. 2) 2012

The commencement of sections of the *Education (General Provisions) Regulation 2006* and the *Education (Accreditation of Non-State Schools) Regulation 2001* that relate to mandatory reporting are also to be postponed, for the reasons outlined above. This regulation omits relevant sections,

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

which will be progressed at a later date to align with commencement of the expanded reporting requirements in the amended EGPA.

### **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.