

**Subordinate legislation tabled
between 1 August 2012 and
12 February 2013**

Report No. 13

Education and Innovation Committee

March 2013

Education and Innovation Committee

Chair	Mrs Rosemary Menkens MP, Member for Burdekin
Deputy Chair	Mr Tim Mulherin MP, Member for Mackay (until 12 February 2013) Mrs Desley Scott MP, Member for Woodridge (from 13 February 2013)
Members	Mr Steve Bennett MP, Member for Burnett Mr Mark Boothman MP, Member for Albert Mr Ray Hopper MP, Member for Condamine (from 12 February 2013) Mr Michael Latter MP, Member for Waterford Ms Anastacia Palaszczuk MP, Member for Inala (until 12 February 2013) Mr Michael Pucci MP, Member for Logan (until 12 February 2013) 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
Web	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 2012.¹ 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 tabled between 1 August 2012 and 12 February 2013.

2 Subordinate legislation examined

No.	Subordinate Legislation	Tabled Date	Disallowance Date
144	Education and Training Legislation (Fees) Amendment Regulation (No.1) 2012	11 September 2012	13 February 2013
170	Education and Training Legislation Amendment (Postponement) Regulation 2012	30 October 2012	7 March 2013
199	Education and Training Legislation Amendment Regulation (No.1) 2012	27 November 2012	18 April 2013
229	Proclamation made under the Education and Training Legislation Amendment Act 2011	12 February 2013	2 May 2013
230	Education Legislation Amendment Regulation (No.3) 2012	12 February 2013	2 May 2013

Education and Training Legislation (Fees) Amendment Regulation (No.1) 2012

The amendment regulation increases the prescribed fees in a number of education related regulations.

¹ *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

The Committee understands that in line with the Government's *Principles for Fees and Charges* (April 2011) which sets out the policy for indexation of fees and charges, the Government has determined that fee increases from 1 July 2012 will be 3.5%. Almost all the prescribed fee increases in the amendment regulation fall within this limit. Two exceptions are fees for criminal history checks for:

- intending mature age students (under the Education (General Provisions) Regulation 2006; and
- teacher registration under the Education (Queensland College of Teachers) Regulation 2005.

The fees for these services increased by 10% from \$23.50 to \$26.00 as a flow-on effect of Queensland Police Service increasing its fee for processing criminal history checks to \$26.00. The Explanatory Notes advise that:

The increase in the fee will not impose appreciable costs on the community under section 42 Statutory Instruments Act 1992 and a Regulatory Assessment Statement is not required. The Regulatory Review Branch in Queensland Treasury and Trade has been consulted on the criminal history check fee increases. Additional consultation on the criminal history check fees is not necessary as the fee must increase to match the fee charged by the Queensland Police Service for processing criminal history check requests.

The Committee accepts this explanation.

No other issues relating to fundamental legislative principles were identified with the pieces of subordinate legislation.

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 significant issues.

Recommendation 1

That the House notes the contents of this report.