

**Subordinate legislation tabled
between 13 February 2013 and
5 March 2013**

Report No. 14

Education and Innovation Committee

May 2013

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 2012.¹ 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 13 February 2013 and 5 March 2013.

2 Subordinate legislation examined

No.	Subordinate Legislation	Tabled Date	Disallowance Date
17	Education (Queensland College of Teachers) Amendment Regulation (No.1) 2013	5 March 2013	23 May 2013

Education (Queensland College of Teachers) Amendment Regulation (No.1) 2013

The regulation amends the *Education (Queensland College of Teachers) Regulation 2005* ('QCT Regulation') to reflect the change in name of the national professional standards for teachers ('the standards').

The QCT Regulation prescribed the standards as the 'National Professional Standards for Teachers'. In December 2012, the Australian Institute for Teaching and School Leadership Ltd (AITSL) changed the name of the standards to the 'Australian Professional Standards for Teachers'. As a result, the definition of the national standards in the QCT regulation is required to be amended.

Instead of referring to the standards by name, the amendment regulation refers to the standards "... approved by the Standing Council of Education Ministers."² This would prevent future amendments to the QCT Regulation being required in the event the name of the standards change.

The committee observes that the Explanatory Notes refer to the *Ministerial Council of Education Ministers* as the body required to approve national professional standards.³ Given the amendment

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

² Explanatory Notes, Education (Queensland College of Teachers) Amendment Regulation (No. 1) 2013, p2.

³ Ibid.

regulation instead requires the *Standing* Council of Australian Education Ministers to approve national professional standards, the committee seeks clarification from the Minister for Education, Training and Employment on whether the two references refer to the same Council.

Fundamental legislative principles

No issues relating to fundamental legislative principles were identified in the 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.

Recommendation 2

That the Minister for Education, Training and Employment clarifies whether the Ministerial Council of Education Ministers is the same body as the Standing Council of Australian Education Ministers and that the Explanatory Notes be clarified.