

**Subordinate legislation tabled  
between 6 August 2013 and  
19 September 2013**

**Report No. 27**

**Education and Innovation Committee**

**October 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 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 tabled between 6 August 2013 and 19 September 2013.

## 2 Subordinate legislation examined

No.	Subordinate Legislation	Tabled date	Disallowance date
107	Vocational Education, Training and Employment Amendment Regulation (No.1) 2013	6.8.13	31.10.13
108	Proclamation made under the TAFE Queensland Act 2013	6.8.13	31.10.13
109	TAFE Queensland Regulation 2013	6.8.13	31.10.13
129	Public Records Amendment Regulation (No.1) 2013	6.8.13	31.10.13
155	Public Records Amendment Regulation (No.2) 2013	20.8.13	21.11.13

### Fundamental legislative principles

#### Vocational Education, Training and Employment Amendment Regulation (No.1) 2013

This regulation amends the *Vocational Education, Training and Employment Regulation 2000* to implement the Skills and Training Taskforce's recommendation that TAFE adopt a flexible fee regime to allow it to better compete in a contestable training market.

The Amendment Regulation enables the level of student contribution to fees to vary depending on the priority of the training (i.e. demands for certain skills in the marketplace).

#### Rights and liberties of individuals

<sup>1</sup> *Parliament of Queensland Act 2001*, s88 and Standing Order 194

The Amendment Regulation deletes Part 5A of the *Vocational Education, Training and Employment Regulation 2000* (the Regulation) which sets fees and prescribes administrative processes linked to imposing fees at TAFE institutes and statutory TAFE institutions. Part 5A of the Regulation currently makes provision for fee exemptions and concessions, for example, on the grounds of extreme financial hardship.

The removal of concessions and fee exemptions from the Regulation may lead to uncertainty for prospective students about the cost of enrolment, which may, in turn, lead prospective students, particularly those on lower incomes or government benefits, to reconsider enrolling in a course.

It is noted, however, that fee exemptions and concessions are not being removed, and will instead be dealt with under the funding arrangements with training providers. The explanatory notes state that this will allow for public training investment to be better directed towards high-priority qualifications which are necessary to meet the skills required by the labour market.<sup>2</sup>

It is considered that, on balance, section 4 has sufficient regard to fundamental legislative principles, and that the explanatory notes tabled with the Amendment Regulation comply with part 4 of the *Legislative Standards Act 1992*.

### **Proclamation made under the TAFE Queensland Act 2013**

The Proclamation fixes a commencement date of 1 July 2013 for the remaining provisions of the *TAFE Queensland Act 2013*. All provisions of the Act have now commenced.

No fundamental legislative principle issues were identified and it is considered that the explanatory notes tabled with the proclamation comply with part 4 of the *Legislative Standards Act 1992*.

### **TAFE Queensland Regulation 2013**

This regulation facilitates the broad restructuring of TAFE and the ultimate transfer of TAFE operations to TAFE Queensland. The Regulation provides for:

- the dissolution of Statutory TAFE Institutes
- the transfer of assets, liabilities and other matters from STIs to the Department and the transfer of student enrolments
- the transfer of staff employed directly by STIs to the Department
- borrowing and investment powers for TAFE Queensland, and
- consequential amendments to other regulations.

No significant fundamental legislative principles issues detected and the explanatory notes tabled with the regulation comply with part 4 of the *Legislative Standards Act 1992*.

### **Public Records Amendment Regulation (No.1) 2013**

This regulation amends the *Public Records Regulation 2004* to provide that the Department of Justice and Attorney-General will be responsible for the public records of the Queensland Child Protection Commission of Inquiry, once the inquiry is completed and the Commission ceases to exist.

No fundamental legislative principles issues were identified and the explanatory notes tabled with the regulation comply with part 4 of the *Legislative Standards Act 1992*.

### **Public Records Amendment Regulation (No.2) 2013**

The *Public Records Amendment Regulation (No.2) 2013* amends the *Public Records Regulation 2004* to provide that the Department of Justice and Attorney-General will be responsible for the public

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<sup>2</sup> Explanatory Notes, Vocational Education, Training and Employment Amendment Regulation (No.1) 2013, p3

records of the Queensland Health Payroll System Commission of Inquiry, once the inquiry is completed and the Commission ceases to exist.

No significant fundamental legislative principles issues were identified and the explanatory notes tabled with the regulation comply with part 4 of the *Legislative Standards Act 1992*.

### **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.

<p><b>Recommendation 1</b></p>
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<p>That the House notes the contents of this report.</p>
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