

**Subordinate legislation tabled
between 6 August 2014 and
26 August 2014**

Report No. 41

Education and Innovation Committee

October 2014

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 2012.¹ 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 6 August 2014 and 26 August 2014.

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
179	<i>Education (Overseas Students) Regulation 2014</i>	26 August 2014	27 November 2014
185	<i>Public Records Regulation 2014</i>		

Fundamental legislative principles

Education (Overseas Students) Regulation 2014 (SL No. 179)

The objective of SL No. 179, the *Education (Overseas Students) Regulation 2014* (the Regulation) is to replace the 1998 regulation to prescribe matters necessary for the *Education (Overseas Students) Act 1996*.

The Regulation reflects recent changes to Commonwealth law relating to education services for overseas students, ensures that the Queensland legislation is in alignment with the Commonwealth legislative regime, and accords with contemporary drafting practices.

The fee increases are consistent with the 3.5 percent prescribed by Queensland Treasury.

No issues of fundamental legislative principle were identified.

Public Records Regulation 2014 (SL No. 185)

The objective of SL No. 185 is to remake the *Public Records Regulation 2004*. The *Public Records Act 2002* (the Act) provides for the making, managing, keeping and preserving of public records in Queensland. Section 57 of the Act provides the Governor in Council may make regulations under the Act.

Pursuant to s. 54 of the *Statutory Instruments Act 1992*, subordinate legislation expires on 1 September, first occurring after the 10th anniversary of the day of its making unless it is sooner repealed or expires or a regulation is made exempting it from expiry. The Public Records Regulation

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

2004 was made by the Governor in Council on 22 July 2004 and therefore expires on 1 September 2014.

The Regulation currently provides for the appointment of relevant and responsible public authorities for public records affected by machinery of government changes. It is therefore proposed that the Regulation be remade in its current form with minor amendments to reflect current Queensland drafting practice.

No issues of fundamental legislative principle were identified.

Explanatory Notes

The Explanatory Notes tabled with the subordinate legislation outlined above are considered to comply with part 4 of the *Legislative Standards Act 1992*.

3 Recommendation

The committee recommends that the House notes the contents of this report.