



## Education, Tourism, Innovation and Small Business Committee

### Subordinate Legislation tabled from 15 June to 16 August 2016

#### Report No. 22

##### Aim of this report:

This report summarises the Committee's examination of subordinate legislation tabled between 15 June and 16 August 2016. It reports on any fundamental legislative principle issues identified by the Committee and the Explanatory Notes' compliance with the *Legislative Standards Act 1992*.

##### Subordinate legislation examined:

No.	Subordinate legislation	Date tabled	Disallowance date
117	<i>Public Records Amendment Regulation (No. 1) 2016</i>	16 August 2016	3 November 2016

##### Committee consideration of the subordinate legislation:

1. The Committee has examined the policy to be given effect by the subordinate legislation and the application of fundamental legislative principles and lawfulness. No significant issues regarding consistency with fundamental legislative principles or the lawfulness of the subordinate legislation were identified.
2. The Explanatory Notes tabled with the above Amendment Regulations and the Proclamation comply with part 4 of the *Legislative Standards Act 1992*.

##### Recommendation:

3. The Committee recommends that the House note this report.

##### Public Records Amendment Regulation (No.1) 2016:

4. The *Public Records Amendment Regulation (No.1) 2016* (the Amendment Regulation) was tabled on 16 August 2016, with a disallowance date of 3 November 2016. The Amendment Regulation is made under sections 8, 15 and 57 of the *Public Records Act 2002*.<sup>1</sup>
5. The objective of the Amendment Regulation is to prescribe the Department of Justice and Attorney-General with the responsibility for the ownership and control of all of the Barrett Adolescent Centre Commission of Inquiry's records (the Commission).

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<sup>1</sup> See the *Public Records Act 2002*.

6. The Commission was established to inquire into the closure of the Barrett Adolescent Centre (the Centre) and the transition of existing patients. The Centre was Queensland's only long term residential mental health facility for adolescents at risk of suicide. The Centre was located at the Centre for Mental Health at Wacol and had operated from 1983 to January 2014.<sup>2</sup>
7. The Commission ceased to exist after 24 June 2016 when it reported its findings to the Premier and Minister for the Arts.
8. The Commission was a public authority as defined by the *Public Records Act 2002* and as such its records (including those made by or used by the Commission and those received or kept by the Commission) are public records under section 6 of the *Public Records Act 2002*.
9. To achieve its objectives the Amendment Regulation will amend the *Public Records Regulation 2014* to prescribe the Department of Justice and Attorney-General as the relevant public authority under section 8(3)(b) and the responsible public authority under section 15(d) of the *Public Records Act 2002* in relation to public records of the Barrett Adolescent Centre Commission.<sup>3</sup>



Scott Stewart MP  
**Chair**

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<sup>2</sup> Hon Margaret Wilson QC, *Report: Barrett Adolescent Centre Commission of Inquiry*, June 2016, pp 1,4; and the *Government Response – Barrett Adolescent Centre Commission of Inquiry*, 2016, p 3.

<sup>3</sup> Explanatory Notes, p 2.