

## Education, Employment and Training Committee

### Report No. 41, 57<sup>th</sup> Parliament

#### Subordinate legislation tabled between 23 August and 10 October 2023

### 1 Aim of this report

This report summarises the findings of the Education, Employment and Training Committee (the committee) following its examination of subordinate legislation within its portfolio areas.

It reports on any issues identified by the committee relating to:

- the policy to be given effect by the legislation
- its consistency with fundamental legislative principles
- its compatibility with human rights
- its lawfulness.

It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA), and the human rights certificates with the *Human Rights Act 2019* (HRA).

### 2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
128	Work Health and Safety (Codes of Practice) (Amusement Devices and Concrete Pumping) Amendment Notice 2023	12 September 2023	30 November 2023
137	Education Legislation (Fees) Amendment Regulation 2023	10 October 2023	15 February 2024

\*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

### 3 Committee consideration of the subordinate legislation



The committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, human rights compatibility, or lawfulness of the subordinate legislation covered by this report

The committee considers that:

- the explanatory notes tabled with the subordinate legislation comply with the requirements of part 4 of the LSA
- the human rights certificate tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of its compatibility with the HRA.

The following section provides a brief overview of the subordinate legislation.

#### **4 SL No. 128 – Work Health and Safety (Codes of Practice) (Amusement Devices and Concrete Pumping) Amendment Notice 2023**

The Work Place Health and Safety (Codes of Practice) (Amusement Devices and Concrete Pumping) Amendment Notice 2023 (SL No. 196) gives notice of the variation and/or approval of two Codes of Practice under the *Work Health and Safety Act 2011*. Both Codes of Practice are intended to protect workers and other people from harm, and support their safety, health and welfare through the elimination or minimisation of risk from work.

SL No. 128 amends the Work Health and Safety (Codes of Practice) Notice 2022 to:

- implement a minor amendment to the Concrete Pumping Code of Practice 2019 to rectify a technical error and reinstate consistency within the Work Health and Safety Regulation 2011, taking effect on 1 September 2023<sup>1</sup>
- include a new entry for the Amusement Devices Code of Practice 2023. This new Code of Practice strengthens clarity and certainty surrounding the obligations of duty holders to eliminate or minimise risks associated with amusement devices at workplaces, and takes effect on 1 February 2024.<sup>2</sup>

#### **5 SL No. 137 – Education Legislation (Fees) Amendment Regulation 2023**

The objective of the Education Legislation (Fees) Amendment Regulation 2023 (SL No. 137) is to amend certain fees under the Education portfolio legislation that fall outside of the usual Government Indexation Rate (GIR) model,<sup>3</sup> as outlined below.

##### **5.1 Fees under the Education and Care Services Regulation 2013**

The Education and Care Services Regulation 2013 (ECS Regulation) prescribes fees under the *Education and Care Services Act 2013* for Queensland education and care providers not covered by the *Education and Care Services National Law (Queensland) Act 2011* (National Law).

In 2014, the Queensland Government decided that the fees prescribed under the ECS Regulation are to be annually indexed at a rate consistent with the indexation of the fees prescribed in the National Law.<sup>4</sup>

SL No. 137 increases the fees in the ECS Regulation by 7.1% (rounded down to the nearest dollar), in accordance with the indexation rate for the National Law.<sup>5</sup> The fee changes will commence on 1 January 2024.<sup>6</sup>

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<sup>1</sup> Explanatory notes, p 1.

<sup>2</sup> Explanatory notes, p 1.

<sup>3</sup> Since 2021, the GIR has been implemented via the fee unit model under the *Acts Interpretation Act 1954*. Under this model, fees in legislation are to be expressed as fee units rather than in dollar amounts and the dollar value of a fee unit is prescribed in the Acts Interpretation (Fee Unit) Regulation 2022. There are a number of fees in the Education portfolio legislation that are not in scope of the fee unit model, and therefore continue to be prescribed as dollar values rather than being stated as a fee unit. SL No. 137, explanatory notes, p 1.

<sup>4</sup> SL No. 137, explanatory notes, p 2.

<sup>5</sup> SL No. 137, explanatory notes, p 2; SL No. 137, part 2.

<sup>6</sup> SL No. 137, explanatory notes, p 2; SL No. 137, s 2(1).

## 5.2 Criminal history check fees

The fees payable in relation to undertaking a criminal history check for enrolment of mature age students<sup>7</sup> and registration of teachers<sup>8</sup> reflect the exact amount charged by the Queensland Police Service (QPS).

QPS has advised that, from 1 July 2023, the criminal history check fee increased from \$27.30 to \$27.50.<sup>9</sup> Therefore, SL No. 137 increases the criminal history check fees under the relevant regulations to \$27.50.<sup>10</sup>

The increased fees in relation to enrolment of mature age students commence on 1 January 2024<sup>11</sup> (to coincide with the new school year) and increased fees relation to registration of teachers commence on 1 October 2023<sup>12</sup> (enabling the Queensland College of Teachers sufficient time to apply the revised fees to the 2024 round of teacher registration).<sup>13</sup>

## 6 Recommendations

The committee recommends that the Legislative Assembly notes this report.



Kim Richards MP  
**Chair**

**November 2023**

### Education, Employment and Training Committee

<b>Chair</b>	Ms Kim Richards MP, Member for Redlands
<b>Deputy Chair</b>	Mr James Lister MP, Member for Southern Downs
<b>Members</b>	Mr Mark Boothman MP, Member for Theodore
	Mr Nick Dametto MP, Member for Hinchinbrook
	Mr Barry O'Rourke MP, Member for Rockhampton
	Mr Jimmy Sullivan MP, Member for Stafford

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<sup>7</sup> Prescribed under section 76 and schedule 5 of the Education (General Provisions) Regulation 2017.

<sup>8</sup> Prescribed under item 13 of schedule 1 of the Education (Queensland College of Teachers) Regulation 2016.

<sup>9</sup> SL No. 137, explanatory notes, p 2.

<sup>10</sup> SL No. 137, explanatory notes, p 2; SL No. 137, ss 6, 8.

<sup>11</sup> SL No. 137, s 2(1).

<sup>12</sup> SL No. 137, s 2(2).

<sup>13</sup> SL No. 137, explanatory notes, p 2.