

Public Records (Commonwealth Games Infrastructure Authority) Amendment Regulation 2019

Explanatory Notes for Subordinate Legislation 2019 No. 219

made under the

Public Records Act 2002

General Outline

Short title

Public Records (Commonwealth Games Infrastructure Authority) Amendment Regulation 2019

Authorising law

Sections 8, 15 and 57 of the *Public Records Act 2002*.

Policy objectives and the reasons for them

The objective of the *Public Records (Commonwealth Games Infrastructure Authority) Amendment Regulation 2019* (the Regulation) is to prescribe the Department of Housing and Public Works (DHPW) as the relevant and responsible public authority for the public records of the former Commonwealth Games Infrastructure Authority (CGIA).

The Commonwealth Games Infrastructure Authority

CGIA was established under the *Economic Development Act 2012* and was a public authority as defined by the *Public Records Act 2002* (the PRA). Under Schedule 2 of the PRA, a public authority includes an entity, other than the parliamentary service, that is established by an Act. Part 2, Chapter 4 of the *Economic Development Act 2012* established the CGIA with responsibility for the planning and development of the Commonwealth Games village and other venues.

CGIA was dissolved through an amendment to the *Economic Development Act 2012* which took effect on 11 April 2019. The functions of the CGIA are not being carried on by any other public authority.

The purposes of the PRA

One of the main purposes of the PRA is to ensure public records are made, managed, kept and preserved in a useable form for the benefit of present and future generations. When a public authority ceases to exist and some or all of its functions will not be continued by another public authority, a regulation prescribing the relevant and responsible public authority for the public records of the ceased functions is required.

A relevant public authority is established under section 8(3)(b) of the PRA and is an authority with responsibility for, and control of, records created by an authority that has ceased to exist. A responsible public authority is prescribed under section 15 of the PRA and is an authority with responsibility for making decisions about access to records in Queensland State Archive's custody.

Achievement of policy objectives

The Regulation supports the policy objectives of the PRA by ensuring that the public records of CGIA remain in the control of a public authority which has obligations regarding custody, preservation and access for the records. The appropriate care and access of CGIA public records ensures that the records will remain useable and appropriately accessible for now and the future.

As the PRA requires that a relevant and responsible public authority be assigned by regulation, no alternative method to achieve the policy objective exists.

Consistency with objectives of authorising law

The regulation is consistent with the objectives of the PRA.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The regulation does not impose an appreciable cost on government or community.

Consistency with fundamental legislative principles

The regulation is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992* (LSA). The proposed regulation observes the following principles as required by section 4(5) of the LSA:

- Section 57 of the PRA authorises the making of subordinate legislation.
- The proposed regulation is consistent with the policy objectives of the PRA as it will enable the management and preservation of the records of CGIA once they have ceased to be public authorities as required by section 8(3)(b) of the PRA.
- The proposed regulation deals with matters which are to be prescribed by regulation pursuant to sections 8(3)(b) and 15(d) of the PRA.
- The proposed regulation will amend the *Public Records Regulation 2014*.
- The proposed regulation does not involve the subdelegation of a power delegated by an Act.

Consultation

CGIA records were transferred from the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) to DHPW as part of machinery-of-government changes. Both agencies have agreed that DHPW is an appropriate authority to be the relevant and responsible public authority for the purposes of the PRA.

The proposed regulation has been self-assessed by DHPW as excluded from further regulatory impact analysis on the basis that it is for the internal management of the public sector.