

# Public Records (Paradise Dam) Amendment Regulation 2020

Explanatory Notes for Subordinate Legislation 2020 No. 133

made under the

*Public Records Act 2002*

## General Outline

### Short title

Public Records (Paradise Dam) Amendment Regulation 2020

### 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 (Paradise Dam) Amendment Regulation 2020 (the Regulation) is to prescribe the Department of Natural Resources, Mines and Energy (DNRME) as the relevant and responsible public authority for public records of the Paradise Dam Commission of Inquiry (the Commission).

The Commission was established on 6 December 2019 and is a public authority as defined by the *Public Records Act 2002* (the PR Act). Under Schedule 2 of the PR Act, a public authority includes a commission of inquiry established under the *Commissions of Inquiry Act 1950*. The Commission ceased to exist on 30 April 2020. Its functions will not be carried on by another public authority.

The key purpose of the PR Act 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 ceased functions is required.

A relevant public authority is established under section 8(3)(b) of the PR Act 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 PR Act and is an authority with responsibility for making decisions about access to records in Queensland State Archive's custody.

## **Achievement of policy objectives**

The objective will be achieved by amending the *Public Records Regulation 2014* to prescribe Department of Natural Resources, Mines and Energy (DNRME) as the relevant and responsible public authority for public records of the Paradise Dam Commission of Inquiry (the Commission), which will facilitate the continued safe custody of the public records.

## **Consistency with objectives of authorising law**

The regulation is consistent with the objectives of the *Public Records Act 2002*.

## **Inconsistency with policy objectives of other legislation**

The regulation is consistent with the policy objectives of other legislation, including the *Human Rights Act 2019*.

## **Benefits and costs of implementation**

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

The safe custody of the public records will be maintained by DNRME.

## **Consistency with fundamental legislative principles**

The regulation is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

## **Consultation**

The proposed regulation has been self-assessed by the Department of Housing and Public Works as excluded from further regulatory impact analysis under The Queensland Government Guide to Better Regulation on the basis that it is for the internal management of the public sector (category C).