

# Public Records (Queensland Coal Mining Board of Inquiry) Amendment Regulation 2021

Explanatory Notes for SL 2021 No. 119

made under the

*Public Records Act 2002*

## General Outline

### Short title

*Public Records (Queensland Coal Mining Board of Inquiry) Amendment Regulation 2021*

### 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 (Queensland Coal Mining Board of Inquiry) Amendment Regulation 2021* (the Regulation) is to prescribe Resources Safety and Health Queensland (RSHQ) as the relevant and responsible public authority for public records of the Queensland Coal Mining Board of Inquiry (the Board).

### The Queensland Coal Mining Board of Inquiry (the Board)

The Board was established on 22 May 2020 under the *Coal Mining Safety and Health Act 1999* and is 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 which is established by an Act. The Board ceased to exist on 31 May 2021. The functions of the Board will not be carried out by another public authority.

### The purposes of the Public Records Act

A key purpose of the *Public Records Act 2002* (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 a ceased entity 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 Archives' custody.

## **Achievement of policy objectives**

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

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

The amendment regulation is consistent with the main purposes of the PRA, which include that the public records of Queensland are made, managed, kept and, if appropriate preserved in a useable form for the benefit of present and future generations.

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

The Regulation is not inconsistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

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

## **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 Resources Safety and Health Queensland.

## **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 the Board 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 sub-delegation of a power delegated by an Act.

## **Consultation**

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the Regulation. The Department of Communities, Housing and Digital Economy applied a self-assessable

exclusion from undertaking further regulatory impact analysis (Category C – Regulatory proposals for the internal management of the public sector).

As this amendment is being made for a purely administrative purpose, that being the transfer of records from one public authority to another, no consultation outside government was deemed necessary.