



Queensland

Education Legislation Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 169

made under the

Education (General Provisions) Act 2006

Education (Overseas Students) Act 1996

Education (Queensland College of Teachers) Act 2005

Education (Queensland Studies Authority) Act 2002

Higher Education (General Provisions) Act 2008

General outline

Short title

Education Legislation Amendment Regulation (No. 1) 2011.

Authorising law

The following provisions provide that regulations may provide for fees to be payable—

- Section 434(2)(a) of the *Education (General Provisions) Act 2006*
- Section 34(2)(a) of the *Education (Overseas Students) Act 1996*
- Section 298(1) and (2) of the *Education (Queensland College of Teachers) Act 2005*
- Section 79(2)(1) of the *Education (Queensland Studies Authority) Act 2002*

- Section 137(2)(a) of the *Higher Education (General Provisions) Act 2008*.

Policy objectives and the reasons for them

State Government policy set out in Queensland Treasury's *Principles for Fees and Charges* document requires that fees and charges be increased annually to reflect movements in the Consumer Price Index (CPI).

The annual indexation of fees is reflective of movements in the Brisbane All-Groups CPI, as published by the Australian Bureau of Statistics. The fee increases are also calculated according to whether or not a fee has been determined to be GST free, or exempted under Division 81 of the *A New Tax System (Goods and Services Tax) Act 1999* (Cth). The CPI indexation for this regulation is GST exempt.

The fee charged by the Queensland Police Service to conduct a criminal history check increased from \$23.10 to \$23.50. The increased criminal history checking fee was effective from 1 July 2012. The criminal history checking fee, prescribed in the *Education (Queensland College of Teachers) Regulation 2005* and the *Education (General Provisions) Regulation 2006* must be increased to reflect the increase in the fee charged by the Queensland Police Service.

A minor and technical amendment to the *Education (Queensland Studies Authority) Regulation 2002* is required to clarify that reference to division eight in s102 of that regulation actually refers to division eight in Part 1A of that regulation.

Achievement of policy objectives

The Regulation increases the fees prescribed in the following Regulations by the percentage increase in the CPI for the period of June 2010 to June 2011, which is 3.8%.

- *Education (Queensland College of Teachers) Regulation 2005* - schedule 1 prescribes fees relating to registration as a teacher including fees payable upon initial registration, an ongoing annual fee and fees for late payment of the annual fee.
- *Higher Education (General Provisions) Regulation 2008* - schedule 2 prescribes fees associated with examining the operation or proposed

operation of a higher education institution and registration to ensure the standards of higher education are met and upheld.

- *Education (General Provisions) Regulation 2006* - prescribes fees for the provision of distance education and specialised educational programs such as the International Baccalaureate and Queensland Academies Program and fees for the provision of a report about a state school student.
- *Education (Queensland Studies Authority) Regulation 2002* - prescribes fees for such matters as taking external examinations, reassessing and reviewing examination results, applications for decisions on equivalence of education and qualification obtained interstate or overseas and accreditation or renewal of accreditation of a syllabus, preparatory guideline or kindergarten guideline.

The Regulation increases the fees prescribed in the *Education (Overseas Students) Regulation 1998* by the percentage increase in the CPI for period of March 2010 to March 2011, which is 3.6%. The *Education (Overseas Students) Regulation 1998* prescribes fees for registration as a provider of education and training for overseas students, registration of a course to be provided to overseas students and for an application to change the registration of a registered provider of registered course.

The Regulation will also increase the criminal history checking fee prescribed in the *Education (Queensland College of Teachers) Regulation 2005* and the *Education (General Provisions) Regulation 2006* to reflect the increase in the fee charged by the Queensland Police Service.

A minor and technical amendment to the *Education (Queensland Studies Authority) Regulation 2002* is required to clarify that reference to division 8 in s102 of that Regulation actually refers to division 8 in part 1A of that Regulation.

The new fees will take effect from 1 January 2012 with the exception of the increased Criminal History Checking fee and minor and technical amendment which will commence on gazettal.

Consistency with policy objectives of authorising law

The Regulation is consistent with whole of State Government policy provided in Queensland Treasury's *Principles for Fees and Charges* document.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Benefits and costs of implementation

By amending prescribed fees to reflect movements in CPI, the quantum of the fees better replicate the movements in costs associated with the service or benefit for which the fee is levied. There are minimal costs incurred through implementing the CPI increases to prescribed fees.

Consistency with fundamental legislative principles

The proposed amendments do not breach fundamental legislative principles.

Consultation

The CPI increase amends fees in accordance with government policy and is therefore considered exempt under s46(1)(j) of the *Statutory Instruments Act 1992* from requirements to consider the Regulatory Assessment System process.

The Queensland College of Teachers and the Queensland Studies Authority were consulted and supported the proposed fee increases.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Education and Training.