



Queensland

Education and Training Legislation (Fees) Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 144

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 2008

Higher Education (General Provisions) Act 2008

Vocational Education, Training and Employment Act 2000

General outline

Short title

Education and Training Legislation (Fees) Amendment Regulation (No. 1) 2012.

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*; and
- Section 291(2)(a) of the *Vocational Education, Training and Employment Act 2000*.

Policy objectives and the reasons for them

The Regulation will index fees in accordance with the Queensland Government's policy on indexation of fees and charges.

The Regulation will also increase the fees for criminal history checks for mature age students and applicants for teacher registration in line with increases in the fee charged by the Queensland Police Service to process criminal history checks.

Achievement of policy objectives

The Regulation increases the prescribed fees in the following Regulations by 3.5%. The new fees will take effect from 1 January 2013.

- *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 (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.
- *Education (Queensland College of Teachers) Regulation 2005* - 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.
- *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.

- *Higher Education (General Provisions) Regulation 2008* - 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.
- *Vocational Education, Training and Employment Regulation 2000* - prescribes fees for Government funded subjects at TAFE institutes, Adult Community Education courses at TAFE institutes and fees associated with apprenticeship and traineeship documents.

The fee charged by the Queensland Police Service for processing criminal history checks increased from \$23.50 to \$26 effective 1 September 2012. The Regulation increases the fees for criminal history checks for intending mature age students under the *Education (General Provisions) Regulation 2006* and applicants for teacher registration under the *Education (Queensland College of Teachers) Regulation 2005* from \$23.50 to \$26 from 1 September 2012.

The Regulation also makes minor editorial changes to fee schedules.

Consistency with policy objectives of authorising law

This Regulation is consistent with Queensland Government policy provided by Queensland Treasury and Trade.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

There are minimal costs incurred through implementing the indexation of prescribed fees.

Consistency with fundamental legislative principles

The proposed amendments do not breach fundamental legislative principles.

Consultation

The Regulation, with the exception of the criminal history check fees, increases fees in accordance with government policy and is therefore considered exempt under section 46(1)(j) of the *Statutory Instruments Act 1992*. The Regulatory Review Branch in Queensland Treasury and Trade has not been consulted on these fee increases. Additional consultation on these fees is not necessary given the consistency of the proposed amendments with existing government policy.

The criminal history check fees are being increased as a result of a change in the fee charged by the Queensland Police Service. The increase in the fee will not impose appreciable costs on the community under section 42 *Statutory Instruments Act 1992* and a Regulatory Assessment Statement is not required. The Regulatory Review Branch in Queensland Treasury and Trade has been consulted on the criminal history check fee increases. Additional consultation on the criminal history check fees is not necessary as the fee must increase to match the fee charged by the Queensland Police Service for processing criminal history check requests.

ENDNOTES

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

© State of Queensland 2012