

# Education and Training Legislation (Fees) Amendment Regulation (No. 1) 2013

Explanatory notes for SL 2013 No. 180

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*

*Vocational Education, Training and Employment Act 2000*

## General Outline

### Short title

Education and Training Legislation (Fees) Amendment Regulation (No. 1) 2013

### 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(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 Amendment Regulation will index fees prescribed in the Regulations for the abovementioned Acts in accordance with the Queensland Government's policy on annual indexation of fees and charges. The indexed fees will take effect from 1 January 2014.

*Education (Queensland College of Teachers) Regulation 2005*

The Amendment Regulation will also amend the *Education (Queensland College of Teachers) Regulation 2005* (QCT Regulation) to prescribe fees for applications made under the *Education (Queensland College of Teachers) Act 2005* (QCT Act) for an eligibility declaration and for a replacement teacher registration card. These fees commence upon notification of the Amendment Regulation in the Government Gazette.

- *Eligibility declaration*

The *Education and Training Legislation Amendment Act 2011* introduced new provisions to exclude a person convicted of a serious offence from applying for teacher registration under the QCT Act. However, in certain circumstances a person convicted of a serious offence may apply to the Queensland College of Teachers (QCT) for a declaration that they are eligible to apply for teacher registration (an *eligibility declaration*). The QCT must refuse to grant an eligibility application unless the QCT is satisfied there are exceptional circumstances in which it would not harm the best interests of children to issue the eligibility declaration.

Section 12E of the QCT Act provides for the eligibility application process. The application must be accompanied by the prescribed fee and the criminal history check fee. To enable the QCT to charge a fee for the administration of eligibility applications and to recoup the cost charged by the Queensland Police Service for a criminal history check, it is necessary to amend the QCT Regulation to prescribe the application fee and criminal history check fee for section 12E of the QCT Act.

- *Registration card*

Teachers registered in Queensland by the QCT are issued a certificate of registration with a detachable registration card under section 63 of the QCT Act. If a registration certificate or the registration card is lost, stolen, destroyed or damaged, teachers may apply with the prescribed fee to the QCT for a replacement. The QCT Regulation prescribes a fee for a replacement certificate but does not prescribe a fee for a replacement registration card. To enable the QCT to charge registered teachers for applications for replacement cards it is necessary to amend the QCT Regulation to prescribe the fee.

## **Achievement of policy objectives**

The policy objectives of the Amendment Regulation will be achieved by amending the QCT Regulation to prescribe fees for applications made under the QCT Act for an eligibility declaration and for a replacement teacher registration card, and by increasing the prescribed fees and charges in the following Regulations by 3.5%:

- *Education (General Provisions) Regulation 2006* – prescribes fees for the provision of distance education and specialised educational programs, and fees for the provision of a report about a state school student;
- *Education (Overseas Students) Regulation 1998* – prescribes fees for: an application for registration (or renewal of registration) as a provider of courses for overseas students; an application for registration (or renewal of registration) of a course to be

provided to overseas students; and an application to change the registration of a registered provider or a 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 registration of a higher education institution, and registration to ensure the standards of higher education are met and upheld; and
- *Vocational Education, Training and Employment Regulation 2000* - prescribes fees associated with a vocational placement scheme, and documents associated with apprenticeships and traineeships.

## **Consistency with policy objectives of authorising**

The Amendment Regulation is consistent with the main objectives of the *Education (General Provisions) Regulation 2006*, *Education (Overseas Students) Regulation 1998*, *Education (Queensland College of Teachers) Regulation 2005*, *Education (Queensland Studies Authority) Regulation 2002*, *Higher Education (General Provisions) Regulation 2008* and *Vocational Education, Training and Employment Regulation 2000*.

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

The Amendment Regulation is consistent with the policy objectives of other legislation and consistent with Queensland Government policy about indexation of fees and charges.

## **Benefits and costs of implementation**

There are minimal costs incurred through implementing the indexation of prescribed fees. The benefit of prescribing fees for applications made under the QCT Act for an eligibility declaration and for a replacement teacher registration card is that the QCT can recover costs for processing these applications.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles. The Amendment Regulation will only change fees prospectively from commencement.

## Consultation

The Amendment Regulation, with the exception of the new prescribed fees for applications for an eligibility declaration and for a replacement teacher registration card made under the QCT Act, increases fees in accordance with existing government policy. Accordingly, consultation on the increase on fees is not required.

The QCT has been consulted in regard to the new prescribed fees for an eligibility declaration and for a replacement teacher registration card. The QCT Act already enables the payment of fees when making these applications. The *Education and Training Legislation Amendment Act 2011* introduced these QCT Act provisions; however, the applicable fees have not been stipulated in the Regulation. Relevant stakeholders were consulted on these amendments when introduced. Otherwise, there has been no specific consultation on the Amendment Regulation.