

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

Explanatory notes for SL 2013 No. 228

made under the

Education (Accreditation of Non-State Schools) Act 2001

Education (General Provisions) Act 2006

Plumbing and Drainage Act 2002

Public Sector Ethics Act 1994

Statutory Bodies Financial Arrangements Act 1982

Vocational Education, Training and Employment Act 2000

General Outline

Short title

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

Authorising law

Section 177 of the *Education (Accreditation of Non-State Schools) Act 2001*

Section 434 of the *Education (General Provisions) Act 2006*

Section 145 of the *Plumbing and Drainage Act 2002*

Section 25 of the *Public Sector Ethics Act 1994*

Section 78 of the *Statutory Bodies Financial Arrangements Act 1982*

Section 291 of the *Vocational Education, Training and Employment Act 2000*

Policy objectives and the reasons for them

The objectives of the Education, Training and Other Legislation Amendment Regulation (No. 1) 2013 (the Amendment Regulation) are to:

- make consequential amendments to the *Education (Accreditation of Non-State Schools) Regulation 2001* (the Accreditation Regulation) and *Education (General Provisions) Regulation 2006* (EGP Regulation) to support the move of Year 7 to secondary education from January 2015; and
- clarify how certain applications by non-state schools for government funding eligibility are to be dealt prior to commencement of Year 7 as secondary education in January 2015; and

- make minor consequential amendments to the *Plumbing and Drainage Regulation 2003*, *Public Sector Ethics Regulation 2010*, *Statutory Bodies Financial Arrangements Regulation 2007* and the *Vocational Education, Training and Employment Regulation 2000* as a result of the abolition of Skills Queensland.

Funding of non-state schools

On 29 August 2013, the *Education Legislation Amendment Act 2013* (the Act) received royal assent. The Act amended legislation to support implementation of the move of Year 7 to secondary education from January 2015. The Act included transitional arrangements to support non-state schools to change their accreditation status to offer Year 7 as secondary education from January 2015. The Act also includes a transitional regulation making power.

The Amendment Regulation will amend the minimum enrolment requirements prescribed in the Accreditation Regulation to reflect the move of year 7 to secondary education. The Amendment Regulation will provide for how certain applications for government funding eligibility made under the *Education (Accreditation of Non-State Schools) Act 2001* (Accreditation Act) will be considered in the period between the commencement of the Act on 29 August 2013 and the move of year 7 to secondary in January 2015.

Minimum age of enrolment

The Regulation will also amend the EGP Regulation to change the minimum age of enrolment provisions to recognise that primary education will end at year 6 from 2015.

Skills Queensland

On 29 October 2013, the *Vocational Education, Training and Employment (Skills Queensland) and Another Act Amendment Act 2013* received royal assent. This Act amends the *Vocational Education, Training and Employment Act 2000* to abolish Skills Queensland and transfer its functions regarding apprentices and trainees, restricted callings, vocational placements, group training organisations, principal employer organisations, employment exemptions and non-departmental employment skills development programs to the Director-General of the Department of Education, Training and Employment.

Consequential minor amendments are required to the *Plumbing and Drainage Regulation 2003*, *Public Sector Ethics Regulation 2010*, *Statutory Bodies Financial Arrangements Regulation 2007* and *Vocational Education, Training and Employment Regulation 2000* to reflect the abolition of Skills Queensland.

Achievement of policy objectives

The policy objectives of the Amendment Regulation are achieved by amending the Accreditation Regulation and the EGP Regulation to support the move of Year 7 to secondary education.

Section 5 inserts a new section 16A into the Accreditation Regulation which applies to certain applications for government funding eligibility made before 1 January 2015. The

Non-State Schools Eligibility for Government Funding Committee (the Committee) makes recommendations about eligibility for Government funding to the Minister for Education, Training and Employment. The Minister is the decision maker on government funding eligibility.

In making a recommendation to the Minister the Committee must have regard to the criteria in section 85 of the Accreditation Act. Section 85 of the Accreditation Act refers to the minimum enrolment for a school prescribed in the Accreditation Regulation. The prescribed minimum enrolment in the Accreditation Regulation will be amended on 1 January 2015 to reflect the move of Year 7 to secondary education. During the transitional period, applications for government funding eligibility prescribed in new section 16A will be assessed as if Year 7 was part of secondary education.

New section 16A applies to the following types of funding applications:

- (a) an application taken to be an application for government funding eligibility under section 74 of the Accreditation Act with a student intake day on or after 1 January 2015;
- (b) an application to which section 50 of the Accreditation Act applies where the change in attribute of provisional accreditation, or accreditation, will take effect on or after 1 January 2015; and
- (c) an application for government funding eligibility under section 73 of the Accreditation Act.

The prescribed minimum enrolment varies depending on whether the school offers primary or secondary education and which years of secondary education it offers. From 1 January 2015 the minimum enrolments in the Accreditation Regulation will be amended to reflect the move of Year 7 to secondary.

The policy objectives of the Amendment Regulation are also achieved by amending the EGP Regulation in relation to the minimum age of enrolment and making minor consequential amendments to various regulations as a result of the abolition of Skills Queensland.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the *Education (Accreditation of Non-State Schools) Act 2001*, *Education (General Provisions) Act 2006*, *Plumbing and Drainage Act 2002*, *Public Sector Ethics Act 1994*, *Statutory Bodies Financial Arrangements Act 1982* and the *Vocational Education, Training and Employment Act 2000*.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There is no cost resulting from the minor consequential amendments to various Regulations as a result of the abolition of Skills Queensland or the amendments to support the move of Year 7 to secondary in January 2015.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The Non-State Schools Accreditation Board, Association of Independent Schools Queensland Inc and the Queensland Catholic Education Commission were consulted on the amendments required to support the move of Year 7 to secondary school. Otherwise, there has been no specific consultation on the Amendment Regulation.

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