

# Education Legislation (Fees) Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 228

made under the

*Education and Care Services Act 2013*

*Education (General Provisions) Act 2006*

*Education (Overseas Students) Act 1996*

*Education (Queensland College of Teachers) Act 2005*

*Education (Queensland Curriculum and Assessment Authority) Act 2014*

*Further Education and Training Act 2014*

## General Outline

### Short title

*Education Legislation (Fees) Amendment Regulation (No. 1) 2014*

### Authorising law

Section 244(2)(o) of the *Education and Care Services Act 2013*

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 92(2)(m) of the *Education (Queensland Curriculum and Assessment Authority) Act 2014*

Section 197(2)(a) of the *Further Education and Training Act 2014*

### Policy objectives and the reasons for them

The *Education Legislation (Fees) Amendment Regulation (No. 1) 2014* (the Amendment Regulation) will index fees prescribed in the Regulations for the abovementioned Acts, aside from the *Education and Care Services Act 2013* (ECS Act), in accordance with the

Queensland Government's policy on annual indexation of fees and charges, which is that fees and charges are to be increased by 3.5% per annum.

The *Education and Care Services Regulation 2013* (ECS Regulation) prescribes fees under the ECS Act for Queensland education and care providers not covered by the Education and Care Services National Law (National Law). As a result of transitional arrangements on commencement of the ECS Act, the Department of Education, Training and Employment has given an undertaking to waive the annual fee under section 54 of the ECS Act and as prescribed by the ECS Regulation until 1 July 2015. On that basis, the Queensland Government has exempted the annual fee in the ECS Regulation from indexation for 2014-2015. Accordingly, the Amendment Regulation does not change the annual fee for providers of Queensland education and care services.

The Queensland Government has also decided that the remaining fees prescribed in the ECS Regulation are to be indexed at a rate consistent with the indexation of fees prescribed under the National Law and published by the Australian Children's Education and Care Quality Authority before July of each year. In July 2014, the fees under the National Law were increased by 2.6% for the 2014-2015 financial year. Accordingly, the Amendment Regulation will increase fees in the ECS Regulation, aside from the annual fee, by 2.6%. This will ensure consistency of indexation rates across the early childhood education and care sector.

The indexed fees will take effect from 1 January 2015.

## **Achievement of policy objectives**

The policy objectives of the Amendment Regulation will be achieved 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, fees for the provision of a report about a state school student and a fee for an application for a mature age student notice;
- *Education (Overseas Students) Regulation 2014*—prescribes fees for applications for registration (or renewal of registration) of providers and courses for overseas students, and to change the registration of a registered provider or a registered course;
- *Education (Queensland College of Teachers) Regulation 2005*—prescribes fees relating to registration of teachers, including fees for initial registration or permission to teach, renewal or restoration of registration or permission to teach, annual registration fees and fees for criminal history checks;
- *Education (Queensland Curriculum and Assessment Authority) Regulation 2014*—prescribes fees for matters such as taking external examinations, reassessing and reviewing examination results, applications for decisions on equivalence of education and qualifications obtained interstate or overseas and accreditation or renewal of accreditation of a syllabus, preparatory guideline or kindergarten guideline; and

- *Further Education and Training Regulation 2014*—prescribes fees for obtaining an extract from the register of training contracts and certified copies of documents.

The policy objectives will also be achieved by increasing the prescribed fees and charges (apart from the annual fee for service approval) by 2.6% in the ECS Regulation, which prescribes fees for regulation of Queensland education and care services, including applications for provider and service approvals, amendment and transfer of a service approval, service and temporary waivers and fees for inspection of, and obtaining copies of, registers.

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

The Amendment Regulation is consistent with the objectives of the *Education and Care Services Act 2013*, *Education (General Provisions) Act 2006*, *Education (Overseas Students) Act 1996*, *Education (Queensland College of Teachers) Act 2005*, *Education (Queensland Curriculum and Assessment Authority) Act 2014* and *Further Education and Training Act 2014*.

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

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

## **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**

Consultation has occurred with the Queensland College of Teachers and the Queensland Curriculum and Assessment Authority.

As the Amendment Regulation increases fees in accordance with existing government policy, further consultation on the increase of fees is not required.