

Education Legislation (Fees) Amendment Regulation (No. 1) 2015

Explanatory notes for SL 2015 No. 132

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

General Outline

Short title

Education Legislation (Fees) Amendment Regulation (No. 1) 2015

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*

Policy objectives and the reasons for them

The *Education Legislation (Fees) Amendment Regulation (No. 1) 2015* (the Amendment Regulation) will index fees prescribed in the *Education (General Provisions) Act 2006*, *Education (Overseas Students) Act 1996*, *Education (Queensland College of Teachers) Act 2005* and *Education (Queensland Curriculum and Assessment Authority) Act 2014* in accordance with the Queensland Government's policy on annual indexation of fees and charges. The Queensland Government policy on indexation of fees 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 *Education and Care Services Act 2013* for Queensland education and care providers not covered by the *Education and Care Services National Law* (National Law).

In 2014 the Queensland Government decided the 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 2015, the fees under the National Law were increased by 2.1% for the 2015-2016 financial year and will be rounded down to the nearest whole dollar. Accordingly, the Amendment Regulation will increase fees in the ECS Regulation by 2.1% rounded down to the nearest whole dollar. This will ensure consistency of indexation rates and rounding rules adopted across the early childhood education and care sector.

The indexed fees will take effect from 1 January 2016.

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 enrolment as a mature age student;
- *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 the registration of teachers, including fees for initial registration or permission to teach, renewal or restoration of registration or permission to teach and annual registration fees; and
- *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 kindergarten guideline.

The policy objectives will also be achieved by increasing the prescribed fees and charges by 2.1% 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* and *Education (Queensland Curriculum and Assessment Authority) 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 has not been undertaken.