

Further Education and Training (Fees) Amendment Regulation 2016

Explanatory notes for SL 2016 No. 189

made under the

Further Education and Training Act 2014

General Outline

Short title

Further Education and Training (Fees) Amendment Regulation 2016

Authorising law

Sections 195 and 197(1) and (2)(a) of the *Further Education and Training Act 2014*

Policy objectives and the reasons for them

The Queensland Government policy on annual indexation of fees and charges is for fees and charges to be indexed by 3.5% per annum. The *Further Education and Training (Fees) Amendment Regulation 2016* (the Amendment Regulation) will amend the *Further Education and Training Regulation 2014* (the FET Regulation) to:

- index relevant fees in accordance with the Queensland Government's policy; and
- clarify the scope of material relating to an apprenticeship and traineeship that the Department of Education and Training (the Department) may charge to provide a copy of or to certify.

Achievement of policy objectives

The Amendment Regulation generally increases the fees prescribed the schedule to the FET Regulation by 3.5% in accordance with the Queensland Government policy. The indexed fees will take effect from 1 January 2017.

The Amendment Regulation makes other amendments to the fee schedule in the FET Regulation to better describe the documents provided by the Department and to ensure a flat fee is charged irrespective of which, and how many, documents are being sought.

The Department holds and provides copies of documents relating to apprentices and trainees dating back to the early 1900's. The FET Regulation does not adequately describe the scope of documents held by the Department, for which copies are commonly sought. The Amendment Regulation addresses this issue by better prescribing the documents for which copies are commonly sought and provided by the Department.

Item 1 provides for the provision of a completion certificate and a training contract issued under the *Further Education and Training Act 2014* (the FET Act) and the repealed *Vocational Education, Training and Employment Act 2000* (the VETE Act 2000). The head of power for the issue of these documents is section 195(2) of the FET Act. This head of power is limited to documents relating to an apprenticeship or traineeship declared under the FET Act or the VETE Act 2000. The Amendment Regulation therefore provides for the provision of other documents through the insertion of Item 2 into the fees schedule.

Item 2 provides for the provision of copies of: (a) a certificate of achievement; (b) a recognition certificate issued under the VETE Act 2000; and (c) documents similar to those listed in Item 1 and paragraph (a) or (b) of Item 2, which were issued under a previous training Act. Clause 5 of the Amendment Regulation inserts a definition of a 'previous training Act' into the FET Regulation. It means a repealed Act, other than the VETE Act 2000, that relates to an apprenticeship or traineeship. Legislation in this regard dates back to the *Apprenticeship Act 1924*.

The combined effect of Items 1 and 2 is to allow the Department to charge for the provision of copies of all relevant documents it holds in relation to apprenticeships and traineeships. For example, under the amendments, a copy of an indenture would be given under Item 2(c).

The Department also verifies matters relating to an apprenticeship or traineeship for interested parties, such as commencement and completion dates and qualifications obtained. Currently, the FET Regulation lists the fee for this service as providing an 'extract from the register of training contracts'. To better describe what is given, the Amendment Regulation provides a fee for giving a certificate signed by the chief executive certifying a matter relating to an apprenticeship or traineeship. This power can be delegated to an appropriately qualified officer in the Department.

The head of power for prescribing a fee for the provision of copies of documents under Item 2 and certification of information under Item 3 is the general regulation making power in sections 197(1) and (2)(a) of the FET Act.

The Amendment Regulation ensures a flat fee is charged irrespective of the document being sought. Under the FET Regulation, a slightly higher fee is charged for provision of a copy of an indenture (\$19.50) than is charged for copies of other documents relating to apprentices and trainees (\$18.05). Also, the Amendment Regulation clarifies the current approach that an individual is only charged one fee per request for documents, irrespective of how many documents the person sought in the request.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the FET Act.

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 been undertaken with the Queensland Productivity Commission in determining that the amendment was excluded from the requirement to undertake a Regulatory Impact Statement.

As the Amendment Regulation generally increases fees in accordance with existing government policy, further consultation on the increase of fees has not been undertaken.