

# Education Legislation (Fees) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 195

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 2017*

### Authorising law

Sections 244(1) and 244(2)(o) of the *Education and Care Services Act 2013*

Sections 434(1) and 434 (2)(a) of the *Education (General Provisions) Act 2006*

Sections 34(1) and (2)(a) of the *Education (Overseas Students) Act 1996*

Sections 298(1) and 298(2) of the *Education (Queensland College of Teachers) Act 2005*

Sections 92(1) and 92(2)(m) of the *Education (Queensland Curriculum and Assessment Authority) 2014*

### Policy objectives and the reasons for them

The Government's policy on the annual indexation of fees and charges is that fees and charges should be increased by 3.5% per annum unless specific approval has been sought to vary the rate of indexation.

The *Education Legislation (Fees) Amendment Regulation 2017* (the Regulation) will index the fees prescribed in the following Regulations according to the Government's policy:

- *Education (General Provisions) Regulation 2017* (EGP Regulation);
- *Education (Overseas Students) Regulation 2014* (EOS Regulation);
- *Education (Queensland College of Teachers) Regulation 2016* (QCT Regulation); and

- *Education (Queensland Curriculum and Assessment Authority) Regulation 2014* (QCAA Regulation).

The Regulation will also increase fees in the *Education and Care Services Regulation 2013* (ECS Regulation). The ECS Regulation prescribes fees under the *Education and Care Services Act 2013* (ECS Act) required to be paid by education and care providers not covered by the *Education and Care Services National Law (Queensland) Act 2010* (the National Law).

In 2014, the Queensland Government decided that 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. The indexation of fees under the National Law for the 2017/18 financial year is 1.5% (rounded down to the nearest whole dollar). The Regulation will increase fees in the ECS Regulation by this rate of indexation.

## **Achievement of policy objectives**

The policy objectives of the Regulation will be achieved by increasing the fees and charges prescribed in the following Regulations by 3.5% from 1 January 2018.

- EGP Regulation — 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 of a mature age student;
- EOS Regulation— prescribes fees for applications for registration (or renewal of registration) of providers and courses for overseas students and to change the registration of a provider or course; and
- QCAA Regulation — 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 in the QCT Regulation by 3.5% from 1 October 2017. These fees relate to the registration of teachers, including fees for: initial registration or permission to teach; renewal or restoration of registration; permission to teach and annual registration fees. Increasing the fees in the QCT Regulation from 1 October 2017 will enable the Queensland College of Teachers to apply the revised fees to the 2018 teacher registration round.

The policy objectives will also be achieved by increasing the fees prescribed in the ECS Regulation by 1.5%, rounded down to the nearest whole dollar, from 1 January 2018. The ECS Regulation 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, cancellation of a prohibition notice and inspection of the register of approved providers and obtaining copies of the register, or part of it.

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

The Regulation is consistent with the objectives of the *Education and Care Services Act 2013*, the *Education (General Provisions) Act 2006*, the *Education (Overseas Students) Act*

1996, the *Education (Queensland College of Teachers) Act 2005* and the *Education (Queensland Curriculum and Assessment Authority) Act 2014*.

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

The Regulation is consistent with the policy objectives of other legislation and with the Government's policy on 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 Regulation is consistent with fundamental legislative principles. The 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. There was unanimous support for the proposed fee increases.

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

The Regulation has been assessed by the Department of Education and Training as excluded from the Regulatory Impact Assessment system under category (h) because it increases fees in line with, or below, the Government endorsed indexation factor. Accordingly, the Office of Best Practice Regulation has not been consulted.