

Education (Overseas Students) Regulation 2018

Explanatory notes for SL 2018 No. 39

made under the
Education (Overseas Students) Act 2018

General Outline

Short title

Education (Overseas Students) Regulation 2018

Authorising law

Section 17 of the *Acts Interpretation Act 1954*

Sections 7(b), 22(2)(b), 26(2)(b) and 104 of the *Education (Overseas Students) Act 2018*

Policy objectives and the reasons for them

On 6 March 2018, a Bill was passed by the Queensland Legislative Assembly to provide for the *Education (Overseas Students) Act 2018* (the Act), replacing the *Education (Overseas Students) Act 1996*. The Act received royal assent on 16 March 2018.

The Act establishes a new regime for the regulation of providers of courses to overseas students and international student exchange programs, and will commence on 1 July 2018 by Proclamation. Upon commencement of the Act, the *Education (Overseas Students) Regulation 2014* will lapse.

Section 104 of the Act provides that the Governor in Council may make regulations under the Act to, among other matters, prescribe fees payable under the Act. A new regulation must be made under the Act to support the regulatory framework. In particular, a new regulation is necessary to prescribe fees payable for various applications relating to approval of a school to provide a course or courses to overseas students (school provider approval).

Achievement of policy objectives

The *Education (Overseas Students) Regulation 2018* (the Regulation) achieves its policy objective by prescribing fees payable for applications for:

- school provider approval;
- amendment of school provider approval; and
- renewal of school provider approval.

The Regulation does not create any new or increased fees. The applications for which fees are prescribed in the Act and the amounts payable as prescribed in the Regulation align with the applications and fees prescribed under the *Education (Overseas Students) Regulation 2014*.

The Act provides that a fee may be prescribed for applications under the Act relating to approval of a school or not-for-profit organisation to provide an international secondary student exchange program (student exchange approval). Consistent with the current administrative practice, no fee has been prescribed for applications relating to student exchange approval.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the Act.

Inconsistency with policy objectives of other legislation

The Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

Costs to Government associated with the regulation of education to overseas students and international student exchange organisations under the Act will be met within the existing Department of Education budget allocation.

Consistency with fundamental legislative principles

The Regulation raises no issues with regard to fundamental legislative principles.

Consultation

Key stakeholders were consulted on the development of the Act, including: Independent Schools Queensland, the Queensland Catholic Education Commission, not-for-profit student exchange organisations, the Council of Australian Student Exchange Organisations, registration bodies in other states and territories, and the Non-State Schools Accreditation Board. There was general support from all stakeholders for the new regulatory framework.

As the fees prescribed in the Regulation have not changed from the superseded framework, no specific consultation was undertaken on the prescription of fees in the Regulation.

The Office of Best Practice Regulation was also consulted as to the requirements under the Queensland Government Guide to Better Regulation. Subsequently, the Department of Education assessed the Regulation as excluded from the Regulatory Impact Assessment system, under category (g), because it is machinery in nature. The Regulation is machinery in nature because the commencement of the Act led to the lapse of the *Education (Overseas Students) Regulation 2014* (the previous Regulation), and the fees prescribed in the Regulation align with the fees prescribed in the previous Regulation.