

Education (Overseas Students) Act 2018

Explanatory notes for SL 2018 No. 44

made under the
Education (Overseas Students) Act 2018

General Outline

Short title

Education (Overseas Students) Act 2018

Authorising law

Section 2 of the *Education (Overseas Students) Act 2018*

Policy objectives and the reasons for them

The policy objective of the Proclamation is to commence provisions of the *Education (Overseas Students) Act 2018* (the Act) that are not yet in force. The Act received royal assent on 16 March 2018.

The main objectives of the Act are to:

- create a new regime for the regulation of providers of courses to overseas students and international student exchange programs, replacing the *Education (Overseas Students) Act 1996*;
- provide the Queensland Curriculum and Assessment Authority with functions to administer the new senior assessment and tertiary entrance (SATE) systems, commencing for students entering Year 11 in 2019;
- make minor and technical amendments to the *Education (General Provisions) Act 2006* and the *Working with Children (Risk Management and Screening) Act 2000*; and
- amend the *Trading (Allowable Hours) Act 1990* to provide that larger retailers (non-exempt shops) in regional areas without Sunday or public holiday trading (seven day trading) be allowed to open on the public holiday on Easter Saturday.

Section 2 of the Act provides that the Act, other than chapter 8, part 4, commences on a day to be fixed by Proclamation. Chapter 8, part 4 of the Act (amendment of the *Trading (Allowable Hours) Act 1990*) commenced on 30 March 2018.

The Proclamation commences chapter 8, parts 2, 3 and 5, and schedule 2 of the Act on 1 May 2018. These provisions include:

- minor and technical amendments to the *Education (General Provisions) Act 2006* and *Working with Children (Risk Management and Screening) Act 2000*; and

- amendments to the *Education (Queensland Curriculum and Assessment Authority) Act 2014* to provide the Queensland Curriculum and Assessment Authority with functions to administer new SATE systems.

The Proclamation commences the remaining provisions of the Act (chapters 1 through 7, chapter 8, part 1, and schedule 1) on 1 July 2018. These provisions establish a new regime for the regulation of providers of courses to overseas students and international student exchange programs.

Achievement of policy objectives

The policy objective of commencing provisions of the Act not yet in force is achieved by providing for:

- chapter 8, parts 2, 3 and 5; and schedule 2 of the Act to commence on 1 May 2018; and
- the remaining provisions of the Act (chapters 1 through 7; chapter 8, part 1; and schedule 1) to commence on 1 July 2018.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the Act.

Inconsistency with policy objectives of other legislation

The Proclamation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The cost of regulation of education to overseas students and international student exchange organisations under the Act, including transition to the new regulatory framework, will be met within the existing Department of Education budget allocation.

In relation to the SATE reforms, funding was allocated as part of the 2017-18 state budget with government investing \$27.6 million (\$72.9 million over five years). This funding will provide for trials of new senior assessment processes, redevelopment of senior syllabus documents and provision of professional development to senior teachers and curriculum leaders.

There are no anticipated costs to Government associated with the minor and technical amendments to the *Education (General Provisions) Act 2006* and the *Working with Children (Risk Management and Screening) Act 2000*.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

Key stakeholders were consulted on a draft version 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, the Non-State Schools Accreditation Board, the Queensland Teachers' Union of Employee, the Independent Education Union

(Queensland and Northern Territory Branch), the Home Education Association, the Queensland Curriculum and Assessment Authority, and the Queensland Tertiary Admissions Centre.

The Commonwealth agency responsible for education services for overseas students was informed about the reforms to the regulation of providers of courses to overseas students.

There was general support from all stakeholders for the reforms in the Act that are to be commenced by the Proclamation. Prior to commencement, stakeholders will be provided with advice about the commencement dates under the Proclamation.

The Office of Best Practice Regulation was not consulted as the Proclamation is of a machinery nature and falls within the agency assessed exclusion category (g) under the Queensland Government Guide to Better Regulation.

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