

Education Legislation (Fees) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 141

made under the

Education and Care Services Act 2013

Education (General Provisions) Act 2006

Education (Overseas Students) Act 2018

Education (Queensland College of Teachers) Act 2005

Education (Queensland Curriculum and Assessment Authority) Act 2014

General Outline

Short title

Education Legislation (Fees) Amendment Regulation 2018

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 104(1) and 104(2)(a) of the *Education (Overseas Students) Act 2018*

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

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

Policy objectives and the reasons for them

Changes to fees and charges

The Government's policy on the annual indexation of fees and charges, for the year 1 July 2018 to 30 June 2019, is that fees and charges should be increased by 3.5% (rounded to the nearest five cents), unless specific approval has been sought to vary the rate of indexation.

The *Education Legislation (Fees) Amendment Regulation 2018* (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 2018* (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 the fees in the *Education and Care Services Regulation 2013* (ECS Regulation). The ECS Regulation prescribes the fees under the *Education and Care Services Act 2013* (ECS Act) required to be paid by Queensland education and care providers not covered by the *Education and Care Services National Law (Queensland) Act 2011* (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 2018/19 financial year is 1.9% (rounded down to the nearest whole dollar). The Regulation will increase fees in the ECS Regulation by this rate of indexation.

Mature age State schools

The *Education (Overseas Students) Act 2018* amended the definition of “mature age State school”, under the *Education (General Provisions) Act 2006* (EGP Act), to allow mature age State schools to be published on the Department of Education’s website rather than prescribed in the EGP Regulation. This amendment to the EGP Act commenced, by Proclamation, on 1 May 2018.

Currently, section 75 of the EGP Regulation prescribes 10 mature age State schools. As there is no longer a requirement to prescribe mature age State schools in the EGP Regulation, section 75 of the EGP Regulation is now redundant and will be removed.

Achievement of policy objectives

Changes to fees and charges

The objective of the Regulation to implement the Government’s annual indexation of fees and charges policy will be achieved by increasing the fees prescribed in the following Regulations by 3.5% from 1 January 2019:

- EGP Regulation, which prescribes fees for the provision of distance education and specialised educational programs, the provision of a report about a State school student, and for an application for enrolment of a mature age student;
- EOS Regulation, which prescribes fees relating to applications by a school for approval (or amendment or renewal of approval) to provide a course or courses to overseas students, and applications by a school or not-for-profit organisation for approval (or amendment or renewal of approval) to provide an international secondary student exchange program; and
- QCAA Regulation, which 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 objective relating to fees and charges will also be achieved by increasing the prescribed fees in the QCT Regulation by 3.5% from 1 October 2018. These fees relate to the registration of teachers, including for initial registration or permission to teach, renewal or restoration of registration, renewal of permission to teach, replacement of certificate of registration or permission to teach, and annual registration fees. Increasing the fees in the QCT Regulation from 1 October 2018 will enable the Queensland College of Teachers to apply the revised fees to the 2019 round of teacher registration.

Finally, the policy objective relating to fees and charges will be achieved by increasing the fees prescribed in the ECS Regulation by 1.9%, rounded down to the nearest whole dollar, from 1 January 2019. 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, inspection of the register of approved providers, and obtaining copies of the register of approved authorities or part of it.

Mature age State schools

To ensure the EGP Regulation is consistent with the EGP Act, section 75 of the EGP Regulation will be omitted to remove the list of mature age State schools. A list of mature age State schools have been published on the Department of Education's website, as provided for under the definition of mature age State school in schedule 4 of the EGP Act.

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 2018*, 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 is machinery in nature further public consultation has not been undertaken.

The Office of Best Practice Regulation has not been consulted on the Regulation because it has been assessed by the Department of Education as excluded from the Regulatory Impact Assessment system under:

- category (g) as it is of a machinery nature because it repeals a redundant provision of a regulation; and
- category (h) because it increases fees in line with, or below, the Government endorsed indexation factor.