

# Education Legislation (Fees) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 147

made under the

*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 2021*

### Authorising law

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 Queensland Government's policy on the annual indexation of fees and charges, for the year 1 July 2021 to 30 June 2022, is that fees and charges should be increased by 1.7% (rounded to the nearest five cents), unless specific approval has been sought to vary the rate of indexation.

The *Education Legislation (Fees) Amendment Regulation 2021* (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); and
- *Education (Queensland College of Teachers) Regulation 2016* (QCT Regulation); and
- *Education (Queensland Curriculum and Assessment Authority) Regulation 2014* (QCAA Regulation).

#### Criminal History Check Fees

The following Regulations prescribe the fee payable in relation to undertaking a criminal history check for mature age students and for teachers respectively:

- section 76 and Schedule 5 of the EGP Regulation; and
- item 13 of Schedule 1 of the QCT Regulation.

The prescribed fees reflect the exact amount charged by the Queensland Police Service (QPS) to undertake a criminal history check, which the QPS increased from \$27.05 to \$27.15 on 1 July 2021.

#### Exclusion of application fees in the QCT Regulation for certification of highly accomplished and lead teachers from indexation

The *Education (Queensland College of Teachers) Act 2005* (QCT Act) provides a function for the Queensland College of Teachers (QCT) to certify teachers as a highly accomplished teacher (HAT) or lead teacher (LT). To ensure that teachers apply to the appropriate certifying authority for their sector, the QCT Act also allows a regulation to prescribe who can apply for certification through QCT, limiting it to state school teachers and teachers working in schools represented by the Queensland Catholic Education Commission (QCEC).

The QCT Regulation provides for application fees for the certification of teachers for HAT and LT. There are separate fee components for teachers employed at state schools and teachers employed by employing authorities represented by QCEC.

In accordance with the Queensland Government decision in 2018, the certification fees for state school teachers are not to be indexed annually in accordance with Government policy, with the decision in 2018 to be reviewed in 2023.

QCEC has been consulted about whether they require an increase in the application fees for certification of HAT and LT for teachers in schools represented by QCEC. QCEC has confirmed that it will not be seeking an increase in the application fees for certification of HAT and LT in 2021.

Therefore, the HAT and LT certification fees in the QCT Regulation, will not be indexed.

## **Achievement of policy objectives**

### Changes to fees and charges

The objective of the Regulation is to implement the Government's annual indexation of fees and charges policy. This will be achieved by increasing the fees prescribed in the following Regulations by 1.7% from 1 January 2022:

- 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 examination results, inspecting scripts, obtaining a copy of and verifying a certificate, 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 will be achieved by increasing the prescribed fees in the QCT Regulation by 1.7% from 1 October 2021. 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 2021 will enable

the QCT to apply the revised fees to the 2022 round of teacher registration which commences prior to the end of 2021.

The policy objective will also be achieved by increasing the criminal history check fee under the EGP Regulation and QCT Regulation to \$27.15 as advised by the QPS.

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

The Regulation is consistent with the objectives of 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**

The Regulation will ensure that the fees prescribed in education portfolio regulations retain their value over time and accurately reflect the cost of providing services. The Regulation will not significantly increase the financial burden on the community or stakeholders.

There are no anticipated 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 QCT and the Queensland Curriculum and Assessment Authority, who support the proposed fee increases.

Consultation also occurred with QCEC which confirmed that it will not be seeking an increase in its application fees in 2021–22 for HAT and LT certification, as prescribed in the QCT Regulation.

The Department of Education self-assessed the subordinate legislation in accordance with the *Queensland Government Guide to Better Regulation*, and determined that it meets the agency-assessed exclusion category (h) – *regulatory proposals that put forward standard annual fee variations in line with or below a government endorsed indexation factor*.