

Education and Other Legislation (Fee Unit Conversion) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 71

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

Electrical Safety Act 2002

Industrial Relations Act 2016

Labour Hire Licensing Act 2017

Racing Act 2002

Workers' Compensation and Rehabilitation Act 2003

Work Health and Safety Act 2011

General Outline

Short title

Education and Other Legislation (Fee Unit Conversion) Amendment Regulation 2022
(Amendment Regulation)

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*

Section 210 of the *Electrical Safety Act 2002*

Sections 551(1) and 990(1) of the *Industrial Relations Act 2016*

Section 108 of the *Labour Hire Licensing Act 2017*

Section 169 of the *Racing Act 2002*

Section 584 of the *Workers' Compensation and Rehabilitation Act 2003*

Section 276 of the *Work Health and Safety Act 2011*

Policy objectives and the reasons for them

The Queensland Government has implemented a new policy in relation to the annual indexation of fees and charges. The *Acts Interpretation Act 1954* (AIA) was amended in 2021 through the *Debt Reduction and Savings Act 2021* to allow for a fee unit model, which will replace the current system of prescribing and indexing fees as dollar values in legislation.

The new government policy, in accordance with the Queensland Government Principles for Fees and Charges Policy (principles), is for fees to be prescribed in fee units, with the *Acts Interpretation (Fee Unit) Regulation 2022* (AI Regulation) to be updated annually in order to apply the government indexation rate (GIR). All prescribed fees, subject to the GIR, are to be converted to fee units from monetary values in their respective legislation.

Part 12B of the AIA commenced on 1 January 2022, which allowed the prescribed fees subject to the GIR to be converted to fee units from that date. Under section 48B(4)(b) of the AIA, if no amount is prescribed, the value of a fee unit for an Act is \$1.

Fee amounts are converted from the amount in currency to the equivalent fee unit (\$1 = 1 fee unit), with fees rounded to two decimal places, in accordance with the principles.

The policy objective of the Amendment Regulation is to convert prescribed fees, subject to GIR, in the (*Education (General Provisions) Regulation 2017, Education (Overseas Students) Regulation 2018, Education (Queensland Curriculum and Assessment Authority) Regulation 2014, Education (Queensland College of Teachers) Regulation 2016, Electrical Safety Regulation 2013, Industrial Relations (Tribunals) Rules 2011, Labour Hire Licensing Regulation 2018, Racing Regulation 2013, Workers' Compensation and Rehabilitation Regulation 2014*, and the *Work Health and Safety Regulation 2011*, into fee units.

Achievement of policy objectives

The Amendment Regulation converts fees, subject to the GIR, prescribed in Education and Industrial Relations legislation, and within the *Racing Regulation 2013*. These fees will then increase in accordance with any annual prescribed increase to the fee unit amount (indexation) prescribed in the AI Regulation.

The AI Regulation provides for the commencement dates for when indexation has effect across each of the Regulations and Rules. The fees prescribed in the *Electrical Safety Regulation 2013, Industrial Relations (Tribunals) Rules 2011, Labour Hire Licensing Regulation 2018, Racing Regulation 2013, Workers' Compensation and Rehabilitation Regulation 2014*, and the *Work Health and Safety Regulation 2011*, will be indexed from 1 July each year.

Education fees, as prescribed in the *Education (General Provisions) Regulation 2017*, the *Education (Overseas Students) Regulation 2018*, and the *Education (Queensland Curriculum and Assessment Authority) Regulation 2014* will be indexed from 1 January each year to coincide with the school year. The fees prescribed in the *Education (Queensland College of Teachers) Regulation 2016* will be indexed on 1 October each year to allow the Queensland College of Teachers to finalise and publish printing materials outlining the registration fees required to be paid by teachers for the following school year.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the authorising legislation.

Inconsistency with policy objectives of other legislation

The Amendment 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 expected to be no additional costs incurred through implementing the conversion of prescribed fees to fee units. Internal departmental processes will be reduced in the ongoing years, as fees prescribed as fee units will be subject to automatic indexation when the fee unit increases, rather than requiring a separate regulation amendment process.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

As the Amendment Regulation is machinery in nature, with the conversion to fee units consistent with the broader government policy in relation to fees and charges, public consultation has not been undertaken on the specific legislative amendments in the Amendment Regulation.

The subordinate legislation has been self-assessed by the Department of Education in accordance with the *Queensland Government Guide to Better Regulation*. The Department of Education has assessed the fee conversion as excluded from further regulatory impact analysis on the basis of Category (h) – *Regulatory proposals that put forward standard annual fee variations in line with or below a government endorsed indexation factor*. It is noted that while the amendments do not index the fee amounts, the conversion to fee units allow for indexation to occur in the future via changes to the GIR in the AI Regulation.

The Queensland College of Teachers (QCT) and the Queensland Curriculum and Assessment Authority (QCAA) were consulted on amendments to the *Education (Queensland College of Teachers) Regulation 2016* and the *Education (Queensland Curriculum and Assessment Authority) Regulation 2014*. Both the QCT and QCAA support the Amendment Regulation.

The Rules Committee, established under section 550 of the *Industrial Relations Act 2016*, was consulted in relation to amendments of the *Industrial Relations (Tribunals) Rules 2011* and consented to the amendments.