

# Education Legislation (Fees) Amendment Regulation 2016

Explanatory notes for SL 2016 No.180

made under the

*Education and Care Services Act 2013*

*Education (General Provisions) Act 2006*

*Education (Overseas Students) Act 1996*

*Education (Queensland College of Teachers) Act 2005*

*Education (Queensland Curriculum and Assessment Authority) Act 2014*

## General Outline

### Short title

*Education Legislation (Fees) Amendment Regulation 2016.*

### 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 34(1) and 34(2)(a) of the *Education (Overseas Students) Act 1996*

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

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

### Policy objectives and the reasons for them

The Queensland Government policy on the annual indexation of fees and charges is that fees and charges should be increased by 3.5% per annum.

The *Education Legislation (Fees) Amendment Regulation 2016* (the Amendment Regulation) will index fees prescribed under the *Education (General Provisions) Act 2006*, the *Education (Overseas Students) Act 1996*, the *Education (Queensland College of Teachers) Act 2005* and the *Education (Queensland Curriculum and Assessment Authority) Act 2014* in accordance with the Queensland Government's policy on the annual indexation of fees and charges.

The Amendment Regulation will also increase fees in the *Education and Care Services Regulation 2013* (ECS Regulation). The ECS Regulation prescribes fees under the *Education and Care Services Act 2013* for Queensland education and care providers not covered by the *Education and Care Services National Law* (National Law).

In 2014, the Queensland Government decided 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 and published by the Australian Children's Education and Care Quality Authority before July of each year. This ensures consistency of indexation rates and rounding rules adopted across the early childhood education and care sector. The rate of indexation for the 2016/17 financial year is 1.5% rounded down to the nearest whole dollar. The Amendment Regulation will increase fees in the ECS Regulation by this rate of indexation.

## **Achievement of policy objectives**

The policy objectives of the Amendment Regulation will be achieved by increasing the prescribed fees and charges in the following Regulations by 3.5% from 1 January 2017:

- *Education (General Provisions) Regulation 2006* — prescribes fees for the provision of distance education and specialised educational programs, fees for the provision of a report about a state school student and a fee for an application for enrolment of a mature age student;
- *Education (Overseas Students) Regulation 2014* — prescribes fees for applications for registration (or renewal of registration) of providers and courses for overseas students and to change the registration of a provider or course; and
- *Education (Queensland Curriculum and Assessment Authority) Regulation 2014* — 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 objectives will also be achieved by increasing the prescribed fees in the *Education (Queensland College of Teachers) Regulation 2005* by 3.5% from 1 October 2016. These fees relate to the registration of teachers, including fees for initial registration or permission to teach and renewal or restoration of registration or permission to teach and annual registration fees. Commencement of the increase for these fees on 1 October 2016 will enable the Queensland College of Teachers to apply the revised fees to the 2017 teacher registration round.

The policy objectives will also be achieved by increasing the prescribed fees in the ECS Regulation by 1.5% rounded down to the nearest whole dollar from 1 January 2017. 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 and inspection of the register of approved providers and obtaining copies of the register, or part of it.

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

The Amendment 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 1996*, 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 Amendment Regulation is consistent with the policy objectives of other legislation and with Queensland Government policy about 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 Amendment Regulation is consistent with fundamental legislative principles. The Amendment Regulation will only change fees prospectively from commencement.

## **Consultation**

Consultation has occurred with the Queensland Productivity Commission, the Queensland College of Teachers and the Queensland Curriculum and Assessment Authority.

As the Amendment Regulation increases fees in accordance with existing government policy, further consultation on the increase of fees has not been undertaken.