

Education Legislation (Fees) Amendment Regulation 2024

Explanatory notes for SL 2024 No. 250

made under the

Education (General Provisions) Act 2006

Education (Queensland College of Teachers) Act 2005

General Outline

Short title

Education Legislation (Fees) Amendment Regulation 2024

Authorising law

Sections 434(1), 434(2)(a) and 434(2)(b) of the *Education (General Provisions) Act 2006*

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

Policy objectives and the reasons for them

Fees not subject to the Government Indexation Rate

The fee unit model, introduced in 2021, applies to regulated fees that are that are captured by the Government's indexation policy under Queensland Treasury's *Principles for Fees and Charges* (Fees and Charges Policy) and uses the Government Indexation Rate (GIR) to index fees. The majority of fees in the education portfolio regulations are in-scope fees subject to the Government's indexation policy.

However, a number of regulatory fees in the education portfolio regulations are not subject to the fee unit model and continue to be prescribed as dollar values maintained and modified as per standard regulation amendment procedure.

Criminal history check fees

The criminal history check fee (CHC fee) in the education portfolio is not in scope of Government's indexation policy. The following education regulations prescribe the CHC fee:

- Schedule 5, section 76, Item 1 of the *Education (General Provisions) Regulation 2017* (EGP Regulation); and
- Schedule 1, item 13, Part 2 of the *Education (Queensland College of Teachers) Regulation 2016* (QCT Regulation).

The CHC fee in the EGP Regulation and QCT Regulation is maintained as a dollar value, irrespective of the introduction of the fee unit model. The CHC fee reflects the exact value which is advised by the Queensland Police Service (QPS) and only increases when the QPS advises of an increase.

QPS undertakes criminal history checks on behalf of government agencies in Queensland as part of the nationally coordinated criminal history check with the Australian Criminal Intelligence Commission (ACIC) under the *Australian Crime Commission Act 2002 (Cth)* and *Australian Crime Commission (National Policing Information Charges) Act 2016 (Cth)*.

The CHC fee charged by QPS comprises the QPS processing fee component and the ACIC fee component, with the fee value for each component determined by the respective entity. The prescribed CHC fee in the EGP Regulation and QCT Regulation reflects the exact amount charged by QPS to undertake a criminal history check.

While the QPS fee component in the CHC fee did not increase for the 2024–25 financial year, remaining at \$6.50 as the previous 2023–24 financial year, the ACIC fee component in the CHC fee increased to \$28.00 from \$21.00 from 1 July 2024, pursuant to the *Australian Crime Commission (National Policing Information Charges) Determination 2024 (Determination)*.

The Determination was made under the *Australian Crime Commission (National Policing Information Charges) Act 2016 (Cth)* to increase the charge for a Nationally Coordinated Criminal History Check provided to the Australian Federal Police or a police force of a State or Territory. The increase was to align with the average Consumer Price Index increase of the previous 10-year period, as no change had been made to the cost of the ACIC fee component of the nationally coordinated criminal history check in that time, and followed a recommendation from the ACIC Board to the Attorney-General of Australia.

Achievement of policy objectives

The objective of the *Education Legislation (Fees) Amendment Regulation 2024 (Amendment Regulation)* is to amend the CHC fee prescribed in the education portfolio under the EGP Regulation and QCT Regulation from \$27.50 to \$34.50, to maintain currency with the fee as advised by QPS.

The change to the CHC fee under the EGP Regulation and QCT Regulation will commence on notification.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the *Education (General Provisions) Act 2006* and the *Education (Queensland College of Teachers) Act 2005*.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation will ensure that the CHC fee prescribed in the EGP Regulation and QCT Regulation maintain its exact value over time and accurately reflect the cost of providing services.

The Amendment Regulation will not significantly increase the financial burden on the community or stakeholders. There are no anticipated costs to implement the increase of the prescribed fee.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

Consultation occurred with the Queensland College of Teachers (QCT) in relation to the CHC fee prescribed in the QCT Regulation, with the QCT supporting the proposed increase to the CHC fee.

As the Amendment Regulation implements an update to the CHC fee to maintain its value in line with its components, due to an externally-set increase to the ACIC fee component, broader public consultation about the fee increase has not been undertaken.

The Office of Best Practice Regulation has been notified of the Amendment Regulation. In line with the *Queensland Government Better Regulation Policy*, a Summary Impact Analysis Statement (IAS) has been prepared for the Amendment Regulation as the Amendment Regulation is machinery in nature. The IAS will be published on the Department of Education website.