



Education, Employment and Small Business Committee

Report No. 10, 56th Parliament

Subordinate legislation tabled between 22 August and 18 September 2018

1 Aim of this report

This report summarises the committee's examination of subordinate legislation tabled from 22 August to 18 September 2018. It reports on any issues identified by the committee in relation to the policy to be given effect by the legislation, its consistency with fundamental legislative principles (FLPs), and its lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
141	Education Legislation (Fees) Amendment Regulation 2018	18 September 2018	6 December 2018

3 Committee consideration of the subordinate legislation

The committee has examined the policy to be given effect by the subordinate legislation, the application of FLPs, and its lawfulness. No issues regarding consistency with FLPs or the lawfulness of the subordinate legislation were identified in respect of subordinate legislation (SL) No. 141.

3.1 Education Legislation (Fees) Amendment Regulation 2018 – SL No. 141

The Education Legislation (Fees) Amendment Regulation 2018 (the Regulation) was tabled on 18 September 2018, with a disallowance date of 6 December 2018.

The objective of the Regulation was to increase the fees prescribed in the following regulations by 3.5 percent in accordance with the Government's policy of annual indexation of fees:¹

- Education (General Provisions) Regulation 2017 (EGP Regulation) - which prescribes fees for the provision of: distance education; specialised educational programs; reports about a State school student; and for a criminal history check for application for enrolment of a mature age student
- Education (Overseas Students) Regulation 2018 (EOS Regulation) - which prescribes fees for applications by a school for approval, 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, amendment or renewal of approval, to provide an international secondary student exchange program

¹ Explanatory notes, p 1.

- Education (Queensland College of Teachers) Regulation 2016 (QCT Regulation) – which prescribes fees relating 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
- Education (Queensland Curriculum and Assessment Authority) Regulation 2014 (QCAA Regulation) – which prescribes fees for matters such as an application to take an external examination, reassessment of examination results, applications for decisions on equivalence of interstate or overseas education or qualifications, and accreditation or renewal of accreditation of a kindergarten guideline

It is government policy that the fees prescribed in the Education and Care Services Regulation 2013 (ECS Regulation) are indexed at the same rate as the fees prescribed under national legislation, the *Education and Care Services National Law (Queensland) Act 2011* (National Law). The fee increase under the National Law for the 2018/19 financial year was 1.9 percent.²

The ECS Regulation prescribes fees for the regulation of Queensland education and care services not covered by the National Law.³ Fees include 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 providers or services.

The fee increase for the EGP Regulation, EOS Regulation, QCAA Regulation, and ECS Regulation will apply from 1 January 2019. The fee increase for the QCT Regulation applied from 1 October 2018.⁴

The Regulation also omits section 75 of the EGP Regulation that prescribed a list of the mature age State schools in Queensland. Section 75 is no longer required following amendment of the definition of “mature age State school” in the *Education (General Provisions) Act 2006*. The definition now requires the Department of Education to publish a list of mature age State schools on its website rather than prescribe them in the EGP Regulation.⁵

Explanatory notes

The explanatory notes state that the Queensland College of Teachers and the Queensland Curriculum and Assessment Authority were consulted on the Regulation and support the proposed fee increases. The explanatory notes also state that public consultation was not required as the Regulation is machinery in nature.⁶

The explanatory notes tabled with the Education Legislation (Fees) Amendment Regulation 2018 comply with section 24 of the LSA.

² Explanatory notes, p 2.

³ The explanatory notes state that the ECS regulation prescribes fees under *the Education and Care Services Act 2013* that are not covered by the *Education and Care Services National Law (Queensland) Act 2011*. See explanatory notes, p. 2. Services under the Education and Care Services Regulation 2013 are generally small services funded by the Queensland Government to provide occasional or limited hours of care, or to also provide disability services.

⁴ Section 2, Education Legislation (Fees) Amendment Regulation 2018.

⁵ Explanatory notes, p 2; *Education (General Provisions) Act 2006*, Schedule 4 (Dictionary).

⁶ Explanatory notes, p 3.

4 Recommendation

The committee recommends that the Legislative Assembly notes this report.



Leanne Linard MP

Chair

November 2018

Education, Employment and Small Business Committee

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Deputy Chair	Mrs Jann Stuckey MP, Member for Currumbin
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