

REPORT FOR THE LEGISLATIVE ASSEMBLY PURSUANT TO SECTION 56A OF THE STATUTORY INSTRUMENTS ACT 1992

The following report is made pursuant to section 56A(4) of the *Statutory Instruments Act 1992*, which provides –

(4) Within 7 sittings days after the extension regulation is made, the responsible Minister for the subordinate legislation being exempted must table in the Legislative Assembly a report stating—

- (a) how the Act or provision is subject to review; and*
- (b) if subsection (6)(a) applies—*
 - (i) the extent to which the Act or provision is being reviewed; and*
 - (ii) when the Minister expects the review to end.*

Exemption from expiry

Section 177 of the *Education (Accreditation of Non-State Schools) Act 2001* (the Act) provides that the Governor in Council may make regulations including the refunding of fees, for the Act.

The automatic expiration of the *Education (Accreditation of Non-State Schools) Regulation 2001* (the Regulation), prescribed by section 54(1)(b) of the *Statutory Instruments Act 1992*, was exempted until 31 August 2013 by the *Statutory Instruments Regulation 2012* on the basis of a review.

In accordance with section 56A(2) of the *Statutory Instruments Act 1992*, the *Statutory Instruments Regulation (No.1) 2013* extended the expiry date of the Regulation by a further period of one year to 31 August 2014 on the basis of the review.

Details of review

A comprehensive review of the Act and Regulation is being conducted in response to Queensland Government and stakeholder expectations for the contemporary regulation of schooling other than state schools.

The review is currently underway and it is anticipated that any outcomes from the review will be progressed during the latter half of 2014.

It is expected that there will be significant changes as a result of the review.

Enquiries to:

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 - (ii) *when the Minister expects the review to end.*

Exemption from expiry

Section 34 of the *Education (Overseas Students) Act 1996* (the Act) provides that the Governor in Council may make regulations about matters including fees, penalties and requirements for registered providers to make arrangements directed at ensuring that overseas students are financially protected from default of providers.

The automatic expiration of the *Education (Overseas Students) Regulation 1998*, prescribed by section 54(1)(b) of the *Statutory Instruments Act 1992*, was exempted until 31 August 2010 by the *Statutory Instruments Amendment Regulation (No.2) 2009* on the basis of a review.

Since then, expiry of the Regulation has been extended under section 56A(2) of the *Statutory Instruments Act 1992* on the basis of the ongoing review. In accordance with section 56A(2) of the *Statutory Instruments Act 1992*, the *Statutory Instruments Regulation (No.1) 2013* extended the expiry date of the Regulation by a further period of one year to 31 August 2014 on the basis of the review.

Details of review

A thorough analysis of the ongoing relevance of the *Education (Overseas Students) Act 1996* was finalised in July 2012 following establishment by the Australian Government of two new national regulatory bodies – the Tertiary Education Quality and Standards Agency (TEQSA) with responsibility for education provided by higher education institutions (including to overseas students); and the Australian Skills Quality Authority (ASQA) regulating the vocational education and training sector (including delivery to overseas students).

Queensland's ongoing role in regulating delivery of education and training to overseas students has diminished substantially now that TEQSA and ASQA are fully operational. However, Queensland has retained regulatory responsibility for state and non-state Queensland school providers of education services to overseas students, and for the registration of courses to be offered to overseas students by those providers.

The review is currently underway and it is anticipated that any outcomes from the review will be progressed during the latter half of 2014.

It is expected that there will be changes to the legislative framework as a result of the review.

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Exemption from expiry

Section 79 of the *Education (Queensland Studies Authority) Act 2002* provides that the Governor in Council may make regulations about a range of matters including:

- (a) the accreditation of 1-12 syllabuses, preparatory guidelines or kindergarten guidelines;
- (b) the approval of work programs for school subjects;
- (c) the recognition of a person's results in certification studies, other than school subjects for which there is an approved syllabus or work program;
- (d) the issuing of certificates of achievement and statements of results;
- (e) the testing of persons;
- (f) deciding the equivalence, in the State of a level of school education reached, or a school qualification obtained, at an educational institution outside the State;
- (g) the assessment of persons;
- (h) tertiary entrance procedures and requirements, and the issuing of tertiary entrance statements;
- (i) the review by the authority of decisions made by the authority under this Act;
- (j) the review by the authority of information contained in a tertiary entrance statement issued by the authority under this Act;
- (k) the verification of information in a certificate of achievement, other than a Queensland Certificate of Education, or a statement of results; and
- (l) fees, including the refunding of fees, for this Act.

The automatic expiration of the *Education (Queensland Studies Authority) Regulation 2002* (the Regulation), prescribed by section 54(1)(b) of the *Statutory Instruments Act 1992*, was exempted until 31 August 2013 by the *Statutory Instruments Regulation 2012* on the basis of a review.

In accordance with section 56A(2) of the *Statutory Instruments Act 1992*, the *Statutory Instruments Regulation (No.1) 2013* extended the expiry date of the Regulation by a further period of one year to 31 August 2014 on the basis of the review.

Details of review

The Department of Education, Training and Employment has undertaken a review of the *Education (Queensland Studies Authority) Act 2002*. The review considered the statutory objects, powers, functions and governance of the Queensland Studies Authority. The review has identified that a more contemporary legislative framework is required to clearly recognise the implementation of the Australian Curriculum, and the respective roles of the authority, schooling sectors and the Australian Curriculum Assessment and Reporting Authority.

It is anticipated that any changes arising from the review will be completed prior to the next expiry date.

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 - (ii) when the Minister expects the review to end.*

Exemption from expiry: further exemption: review

The automatic expiration of the *Vocational Education, Training and Employment Regulation 2000* (the Regulation), prescribed by section 54(1)(b) of the *Statutory Instruments Act 1992*, was exempted until 31 August 2012 by the *Statutory Instruments Amendment Regulation (No.1) 2011* on the basis of a review.

Since then, expiry of the Regulation has been extended under section 56A(2) of the *Statutory Instruments Act 1992* on the basis of the ongoing review. In accordance with section 56A(2) of the *Statutory Instruments Act 1992*, the *Statutory Instruments Regulation (No.1) 2013* extended the expiry date of the Regulation by a further period of one year to 31 August 2014 on the basis of the review.

Details of review

Over the last 18 months, the *Vocational Education, Training and Employment Act 2000* (the VETE Act) and Regulation have been amended to reflect national reforms such as, referral of regulation of vocational education and training (VET) in Queensland to the national VET regulator (June 2012), the abolition of Statutory TAFE Institutes and the establishment of TAFE Queensland as a statutory body (July 2013), and the abolition of Skills Queensland (pending passage of the Bill, anticipated for November 2013).

The latter amendments, regarding TAFE Queensland and Skills Queensland, are part of the Queensland Government's comprehensive VET reform agenda set out in the Government response to the independent Skills and Training Taskforce final report, released in November 2012, and in *Great skills. Real opportunities. The Queensland Government reform action plan for further education and training*, released in June 2013.

In light of the Government's VET reform agenda, and the significant changes to the VETE Act and Regulation which have already taken place, the Department of Education, Training and Employment is conducting an internal review of the VETE Act and Regulation. The internal review takes account of changes needed to enable the Government to meet its reform commitments including harmonisation and simplification of apprenticeship and traineeship regulation. The review is also being conducted in view of the Government's commitment to reduce red tape and regulation.

It is anticipated that the review will be completed by the next expiry date.

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