

**Subordinate legislation tabled  
between 20 September 2013 and  
19 November 2013**

**Report No. 29**

**Education and Innovation Committee**

**February 2014**

## **Education and Innovation Committee**

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## 1 Introduction

### Role of the Committee

The Education and Innovation Committee (the committee) is a portfolio committee established by the Legislative Assembly on 18 May 2012.<sup>1</sup> It consists of government and non-government members. The committee's primary areas of responsibility are education, training, employment, science, information technology, innovation and the arts.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each Bill and item of subordinate legislation in its portfolio area to consider:

- a) the policy to be given effect by the legislation,
- b) the application of fundamental legislative principles to the legislation, and
- c) for subordinate legislation – its lawfulness.

### Aim of this report

This report advises of subordinate legislation examined and, where applicable, presents any concerns the committee has identified in respect of subordinate legislation tabled between 20 September 2013 and 19 November 2013.

## 2 Subordinate legislation examined

No.	Subordinate Legislation	Date tabled	Disallowance date
180	<i>Education and Training Legislation (Fees) Amendment Regulation (No. 1) 2013</i>	15.10.13	6.3.14

### Fundamental legislative principles

#### Fee increases

This Amendment Regulation increases the fees prescribed in regulations made under the following legislation:

- *Education (General Provisions) Act 2006*
- *Education (Overseas Students) Act 1996*
- *Education (Queensland College of Teachers) Act 2005*
- *Education (Queensland Studies Authority) Act 2002*
- *Higher Education (General Provisions) Act 2008*
- *Vocational Education, Training and Employment Act 2000*

The fee increases are broadly in line with the Government's annual indexation policy and indexation rate of 3.5%, and took effect from 1 January 2014.

No significant fundamental legislative principal issues were identified.

<sup>1</sup> *Parliament of Queensland Act 2001*, s88 and Standing Order 194

### New fees

The Amendment Regulation also amends the *Education (Queensland College of Teachers) Regulation 2005* to introduce new fees as described below, for applications made under the *Education (Queensland College of Teachers) Act 2005* for:

- Application for an eligibility declaration<sup>2</sup> - \$113.35 before 1 January 2014 and \$117.30 from 1 January 2014.
- A replacement teacher registration card - \$31.05 before 1 January 2014 and \$32.15 from 1 January 2014.

A criminal history check fee for applications for eligibility declarations made under the *Education (Queensland College of Teachers) Act 2005* is also prescribed by the Amendment Regulation.<sup>3</sup> Introducing fees for an eligibility application and criminal history check enables the “... QCT [Queensland College of Teachers] to charge a fee for the administration of eligibility applications and to recoup the cost charged by the Queensland Police Force for a criminal history check ...”.<sup>4</sup>

These fees commence upon notification of the Amendment Regulation in the Government Gazette, and appear to be in keeping with similar fees in the *Education (Queensland College of Teachers) Regulation 2005*. For example, the application fee for an eligibility declaration is the same as the fees for registration and permission to teach. The new fee for a replacement teacher registration card is the same as the fees for a replacement registration certificate and a certificate of permission to teach.

The committee does not consider that the new fees would have an unreasonable effect on teachers and prospective teachers, and believes that the new fees reflect the administrative cost of processing applications.

No significant fundamental legislative principal issues were identified.

### Explanatory Notes

The Explanatory Notes tabled with the amendment regulation comply with part 4 of the *Legislative Standards Act 1992*.

## **3 Recommendation**

The committee has examined the policy to be given effect by the subordinate legislation, the application of fundamental legislative principles and lawfulness and has not identified any significant issues.

### **Recommendation 1**

That the House notes the contents of this report.

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<sup>2</sup> An ‘eligibility declaration’ is a declaration that a person is eligible to apply to be a teacher despite being convicted of a serious offence, as introduced by the *Education and Training Legislation Amendment Act 2011*

<sup>3</sup> s12E(3)(c)(ii)

<sup>4</sup> Explanatory Notes, Education and Training Legislation (Fees) Amendment Regulation (No. 1) 2013, p2