



## Education, Tourism, Innovation and Small Business Committee

### Subordinate Legislation tabled from 12 October to 1 November 2016

#### Report No. 27

##### Aim of this report:

This report summarises the committee's examination of subordinate legislation tabled between 12 October and 1 November 2016. It reports on any fundamental legislative principle issues identified by the committee and the Explanatory Notes' compliance with the *Legislative Standards Act 1992*.

##### Subordinate legislation examined:

No.	Subordinate legislation	Date tabled	Disallowance date
189	<i>Further Education and Training (Fees) Amendment Regulation 2016</i>	1 November 2016	2 March 2017

##### Committee consideration of the subordinate legislation:

1. The committee has examined the policy to be given effect by the subordinate legislation and the application of fundamental legislative principles and lawfulness. No issues regarding consistency with fundamental legislative principles or the lawfulness of the subordinate legislation were identified.
2. The Explanatory Notes tabled with the Education Legislation (Fees) Amendment Regulation 2016 comply with part 4 of the *Legislative Standards Act 1992*.

##### Recommendation:

3. The committee recommends that the House note this report.

##### Further Education and Training (Fees) Amendment Regulation 2016:

4. The Further Education and Training (Fees) Amendment Regulation 2016 (Amendment Regulation) was tabled on 1 November 2016, with a disallowance date of 2 March 2017. The Amendment Regulation is made under the *Further Education and Training Act 2014*.
5. The Amendment Regulation amends the *Further Education and Training Regulation 2014* (the FET Regulation) to index relevant fees in accordance with Queensland government policy, and

to clarify the scope of material relating to an apprenticeship and traineeship that the Department of Education and Training may charge to provide a copy of, or to certify.<sup>1</sup>

6. It is Queensland Government policy that fees and charges are to be indexed in-line with CPI increases. The Amendment Regulation has amended fees for the provision of copies of all relevant documents the Department of Education and Training (the Department) holds in relation to apprenticeships and traineeships to a flat rate of \$18.70. The Amendment Regulation clarifies that one flat fee is charged, irrespective of the document and irrespective of how many documents the person sought.<sup>2</sup> Most fees increased just above the current applicable CPI rate of 3.5 percent. The fee for the provision of a certified copy of an indenture has decreased from \$19.50 to \$18.70.<sup>3</sup>
7. The indexed fees took effect from 1 January 2017.
8. Clause 6 of the Amendment Regulation omits Schedule 1 Fees of the FET Regulation and inserts new Schedule 1 Fees that better describes the scope of the documents that are sought and held by the Department.
9. New Schedule 1 Fees, Items 1 and 2, allow the Department to charge for all relevant material it holds in relation to apprenticeships and traineeships.<sup>4</sup> Item 1 includes the provision of completion certificates and training contracts issued under the *Further Education and Training Act 2014* (the FET Act) and the repealed *Vocation Education, Training and Employment Act 2000* (the VETE Act 2000). Item 2 provides for the provision of copies of certificates of achievement; recognition certificates issued under the VETE Act 2000; and documents similar to those listed in Item 1 and Item 2 which were issued under a previous training Act. Clause 5 of the Amendment Regulation inserts a definition of a 'previous training Act' into the FET Regulation.
10. New Schedule 1 Fees Item 3 allows the Department to charge a fee for a certificate signed by the chief executive certifying a matter relating to an apprenticeship or traineeship such as commencement and completion dates and qualifications obtained.<sup>5</sup>

Scott Stewart MP

**Chair**

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<sup>1</sup> Explanatory Notes p 1.

<sup>2</sup> Explanatory Notes p 2.

<sup>3</sup> Explanatory Notes p 2.

<sup>4</sup> Explanatory Notes p 2.

<sup>5</sup> Explanatory Notes p 2.