

Regulatory Impact Statement

Proposed amendments to the *Education (Queensland Studies Authority) Regulation 2002* to prescribe a fee for accreditation or renewal of a kindergarten guideline

Released for public comment on 14 April 2010

Submissions:

Comment is sought on information presented in this Regulatory Impact Statement. Written submissions must be received no later than 14 May 2010 and should be addressed to:

RIS – Proposed Accreditation Fee for Kindergarten Guidelines
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Submissions may be subject to the *Right to Information Act 2009* and other laws.



Queensland Government

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1 Title

Proposed amendment to the *Education (Queensland Studies Authority) Regulation 2002*

2 Introduction

Purpose of a Regulatory Impact Statement

The proposed amendments to the *Education (Queensland Studies Authority) Regulation 2002* (Proposed Amendment Regulation) are being developed as subordinate legislation under the *Education (Queensland Studies Authority) Act 2002*. The proposed Amendment Regulation will introduce a new fee to recover the costs incurred by the Queensland Studies Authority (QSA) in accrediting or renewing accreditation of a kindergarten guideline.

Under the *Statutory Instruments Act 1992*, if a proposed Regulation is likely to impose appreciable costs on the community or part of the community, a Regulatory Impact Statement (RIS) must be prepared before the Regulation is made. The purpose of this RIS is to explain the need for a new fee, how it has been calculated, how it is proposed to be implemented, and to evaluate the likely costs and benefits that may arise from its implementation.

All members of the community are invited to comment on the information presented in this RIS.

How to Respond to this Regulatory Impact Statement

The closing date for providing comments on this RIS is **14 May 2010**.

Written submissions should be sent to:

Mail:

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Public Access to Submissions

Please be aware that submissions may be subject to the *Right to Information Act 2009*, the *Information Privacy Act 2009* and other laws.

Consideration of Issues Raised on the Regulatory Impact Statement

After the public comment period has closed, the Government will consider issues raised by members of the community. Further consultation may occur to address any concerns raised by the community prior to the development of a final position by Government.

Further Enquiries

Further enquiries can be made by contacting the Legislative Services Unit in the Department of Education and Training.

3 Background

A key quality driver under *Toward Q2: Tomorrow's Queensland* is the implementation of a quality educational program for the early years. This goal is being directly supported by:

- the development and implementation of the *Queensland Kindergarten Learning Guideline*; and
- a new kindergarten funding scheme for community kindergartens and child care services to deliver approved kindergarten programs.

Queensland Kindergarten Learning Guideline

The *Education Legislation Amendment Act 2009* amended the *Education (Queensland Studies Authority) Act 2002* (QSA Act) to extend the functions of the Queensland Studies Authority (QSA) to allow it to develop, revise, purchase and approve kindergarten guidelines, and to accredit kindergarten guidelines developed by other entities.

In 2009, the QSA began developing the *Queensland Kindergarten Learning Guideline* which will:

- align with the national *Early Years Learning Framework*¹ in the kindergarten cohort and provide a level of curriculum consistency in terms of the focus of kindergarten programs and expectations for learning and development; and
- provide the learning foundation to support the transition to the QSA *Early Years Curriculum Guidelines* for the preparatory year, and the K–12 Australian Curriculum.

From February to May 2010, the QSA is conducting a formal trial of the *Queensland Kindergarten Learning Guideline* in 27 early childhood education and care services representing a range of community contexts. It is anticipated that the QSA will finalise its Guideline in July 2010 and seek approval of the final content from the QSA Governing Body in August 2010. The final published version of the Guideline is expected to be available for implementation by approved kindergarten providers in January 2011. It is intended that the QSA approved version will be used by the QSA to benchmark its accreditation of kindergarten guidelines developed by other entities (where accreditation is sought by other entities) as from August 2010.

The *Queensland Kindergarten Learning Guideline* will directly support the goal of implementing a quality educational program for the early years by providing child care services with an approved kindergarten guideline upon which to develop their kindergarten programs.

New Funding Scheme

The new funding scheme, which replaces the Department of Education Community Kindergarten Assistance Scheme (DECKAS), will provide funding to community kindergartens and child care services to offer an approved kindergarten program planned and delivered by a qualified early childhood teacher. To date, a total of 141 long day care services have been approved to participate in the 2010 Kindergarten Pilot Program to receive the new funding. To meet funding requirements, services need to commence operating the kindergarten program by March 2010.

Currently, to be a State approved (funded) kindergarten provider, an early childhood education and care service needs to offer a kindergarten program that is:

¹ The *Early Years Learning Framework* was released by the Council of Australian Governments in July 2009 and provides a broad guide for educators to support and enhance children's learning from birth to five years, and supports the transition to school.

- provided for children in the year before the Preparatory Year (i.e., the child must turn four years old by 30 June in the year they participate in a kindergarten program);
- delivered by a four year qualified early childhood teacher or registered teacher with an early childhood qualification; and
- aligned with the *Early Years Learning Framework*.

Once the *Queensland Kindergarten Learning Guideline* is approved, a State approved kindergarten provider will need to align their kindergarten program with the *Queensland Kindergarten Learning Guideline* or an accredited kindergarten guideline.

Purpose of Proposed Amendment Regulation

The purpose of the proposed Amendment Regulation is to prescribe:

- a process for accrediting and renewing accreditation of a kindergarten guideline (within the existing framework for accreditation and renewal of accreditation of a 1–12 syllabus or preparatory guideline); and
- a fee for accreditation or renewal of accreditation of a kindergarten guideline.

Prescription of these matters will enable the QSA to undertake accreditation of kindergarten guidelines developed by other entities, where requested.

4 Existing Legislative Framework

Kindergarten Guidelines

Under section 9(b) of the QSA Act, the QSA has the function to accredit kindergarten guidelines, developed by entities other than the authority, for implementation in child care services.

Section 79(2)(a)(ii) of the QSA Act allows for a Regulation to be made about the accreditation of kindergarten guidelines for implementation in child care services. “Kindergarten guideline” is defined under Schedule 2 of the QSA Act as “a guideline about learning and age-appropriate teaching and assessment practices in child care services for the years before the preparatory year”.

Part 10 of the *Education (Queensland Studies Authority) Regulation 2002* (the QSA Regulation) prescribes the circumstances in which the QSA may charge fees for services it provides.

Accreditation Process for a 1–12 Syllabus or Preparatory Guideline

Part 1A of the QSA Regulation currently prescribes a process for accrediting and renewing accreditation of a 1–12 syllabus or preparatory guideline.

The process involves a person who owns the syllabus or guideline (or a person authorised by the owner) applying to the QSA for accreditation. The application must satisfy certain procedural requirements. Once the QSA receives an application, it can conduct inquiries to ensure compliance and request additional information or documents where needed.

Before making a decision, the QSA is required to conduct an evaluation of the syllabus or preparatory guideline against the:

- *educational criteria*—defined as the rationale, the standards of learning and the standards of assessment, the time for achieving the standards of learning and

standards or assessment, and promoting the characteristics of learning experiences;
and

- *social responsibility criteria*—defined as not encouraging or condoning a contravention of a law of the State or the Commonwealth or an international treaty, or being contrary to the public interest.

Under section 3O(1) of the QSA Regulation, if an application for accreditation is made on or before 28 February, the QSA must decide the application by no later than 31 August in the same year. Under section 3O(2) of the QSA Regulation, if an application is made after 28 February, the QSA must decide the application by no later than 31 August in the following year.

If the QSA considers that the syllabus or guideline satisfies each of the educational criteria and the social responsibility criteria, it must decide to grant accreditation.

The QSA must also decide the accreditation period for implementation of the syllabus or guideline. Schedule 2 of the QSA Regulation defines the accreditation period for implementation of an accredited syllabus or guideline as a period between two and six years that starts on 1 January of after the QSA grants accreditation. Under section 3N of the QSA Regulation, in deciding the accreditation period, the QSA can have regard to the nature of the school studies and the standards of learning and assessment provided for in the syllabus or preparatory guideline, and the period for which the QSA considers the syllabus or preparatory guideline will continue to be appropriate and current for school studies.

Before the accreditation of a syllabus or guideline expires, the QSA gives the registered nominee of the syllabus or guideline notice stating that the accreditation is due to expire and that an application for renewal can be made. Section 3S of the QSA Regulation provides that the notice must be given by 1 December in the year before the year in which the accreditation is due to expire. The process for renewal of accreditation is the same as the initial accreditation process.

Under section 3ZS of the QSA Regulation, once a syllabus or guideline is accredited, the QSA must register the applicant for the accreditation as the nominee for the syllabus or guideline in the accreditation register. The accreditation register is maintained by the QSA in accordance with section 3ZR of the QSA Regulation. The accreditation register may be accessed through the QSA website.

Fee Structure for Accreditation or Renewal of Accreditation of a 1–12 Syllabus or Preparatory Guideline

Currently, the QSA Regulation prescribes a fee of \$3,633.00 (consisting of a \$1,000.00 administrative component and a \$2,633.00 evaluation component) for an application for accreditation or renewal of accreditation of a 1–12 syllabus or preparatory guideline.

Under section 70A of the QSA Regulation, if a person withdraws an application for accreditation or the QSA rejects the application for accreditation before the QSA has started the evaluation process, the evaluation component will be refunded but the administrative component (\$1,000.00) will be retained.

5 Proposed Course of Action

Brief Overview of Proposal

It is proposed to amend the QSA Regulation to introduce a fee to allow the QSA to recover the costs incurred in processing and assessing applications for accreditation of a kindergarten guideline. This fee is proposed to be comparable to the current fee for accrediting or renewing accreditation of a 1–12 syllabus or a preparatory guideline.

The proposed fee will not apply automatically to all providers of early child education and care services, but only to those providers wishing to seek accreditation of a kindergarten guideline that they have developed and wish to continue to use, or to implement, at their service. For example, a provider may wish to seek accreditation because it has invested in developing its own guideline and wishes to continue using that resource. However, it is important to understand that providers will also have the option of using the approved *Queensland Kindergarten Learning Guideline*, which will be freely available from the QSA, rather than developing their own kindergarten guideline and seeking accreditation of that guideline from the QSA.

It is proposed that the new accreditation process for kindergarten guidelines will be incorporated within the existing legislative framework for accrediting and renewing accreditation of a 1–12 syllabus or preparatory guideline, with some minor adjustments to accommodate specific requirements for kindergarten guidelines. Therefore, it is proposed that the QSA will deal with an application for accreditation or renewal of accreditation of a kindergarten guideline in the same manner as an application for accreditation or renewal of accreditation of a 1–12 syllabus or preparatory guideline.

As with a 1–12 syllabus or preparatory guideline, it is proposed that a kindergarten guideline may be accredited for a period of up to six years. The length of this period will be determined having regard to the likely advances in the area of learning and the period for which the kindergarten guideline will continue to be appropriate and current. In practice, it is expected that a kindergarten guideline would be accredited for six years.

Costing Methodology for Proposed Fee Structure

The proposed fee for accreditation or a subsequent renewal of accreditation of a kindergarten guideline is \$3,633.00 per guideline.

The proposed fee has been calculated on a cost recovery basis, and in accordance with the user charging provisions in the *Financial and Performance Management Standard 2009*.

Consistent with the existing fee for accreditation or renewal of accreditation of a 1–12 syllabus or a preparatory guideline, the proposed fee for accrediting a kindergarten guideline is to be comprised of:

- an administrative component of \$1,000.00; and
- an evaluation component of \$2,633.00.

The \$1,000.00 administrative component of the proposed fee is calculated based on the time and effort involved in carrying out the following:

- receipt, data entry, registration and photocopying;
- request for further information, if needed;
- determination of expert panel members and meeting coordination;
- distribution of application to expert panel members for initial review;
- initial evaluation of the kindergarten guideline; and
- establishing an evaluation process tailored to each guideline.

The \$2,633.00 evaluation component of the proposed fee is calculated based on the process involved in the QSA staff benchmarking the kindergarten guideline against the approved *Queensland Kindergarten Learning Guideline*. The process would involve:

- desktop assessment;
- meeting of the expert panel to consider the application against the educational and social responsibility criteria;
- consultation with the applicant and other stakeholders;
- consideration of best practice evidence;
- preparation of a report detailing the recommendations of the expert panel; and
- consideration of the report by the QSA.

It is proposed that the QSA Regulation will also be amended to specify that before deciding to grant or to refuse accreditation of a kindergarten guideline, the QSA must conduct an evaluation of the guideline. In evaluating the kindergarten guideline, the QSA will be required to consider whether or not the guideline satisfies each of the educational and social responsibility criteria.

It is proposed that the social responsibility criteria for a kindergarten guideline will be the same as the social responsibility criteria that currently applies in relation to applications for accreditation of a 1–12 syllabus or preparatory guideline. Thus, the social responsibility criteria will require the kindergarten guideline not to:

- encourage or condone a contravention of a law of the State or the Commonwealth or an international treaty;
- be inconsistent with an agreement between the State and another State or the Commonwealth, or
- be contrary to the public interest.

It is proposed that the educational criteria for evaluation of a kindergarten guideline will be that the guideline must:

- (a) include the rationale for the guideline;
- (b) be appropriate for the educational needs of the group of children provided for under the guideline;
- (c) describe the areas of learning and development within a kindergarten program;
- (d) describe the expected knowledge, skills and dispositions within the areas of learning and development and learning behaviours typical of children at the end of the kindergarten year;
- (e) promote a balance, depth, quality and range (the characteristics) of learning experiences of a standard that achieves or exceeds the standards for the characteristics of learning experiences under related approved guidelines;
- (f) provide advice on and a format for monitoring and assessing children's learning to support reporting to parents and the transition into school.
- (g) not encourage or condone discrimination on the basis of an attribute mentioned in the *Anti-Discrimination Act 1991*, section 7.

The above criteria are largely based on the current educational criteria for accreditation of a 1–12 syllabus or preparatory guideline.

A comparison of the current and proposed evaluation criteria is contained at **Appendix 1**.

In line with the current process for accreditation of a 1–12 syllabus or preparatory guideline, it is proposed that the QSA Regulation will specify that the evaluation component (but not the administrative component) of the fee will be refundable to the applicant if the applicant withdraws the application for accreditation or renewal or if the QSA rejects the application before the QSA begins the evaluation process. For example, this may occur where the QSA conducts a preliminary assessment and decides that the guideline does not meet the educational and social responsibility criteria, and therefore it is not appropriate to continue to assess the application.

The total fee for the accreditation process has been calculated to be cost neutral, thereby not imposing any additional cost on government or on the resourcing of other QSA functions.

The fee to be charged for renewal of accreditation of a kindergarten guideline is proposed to be set at the same level as for the initial application for accreditation. This determination is made on the basis that the process for renewal of accreditation consists of the same evaluation process as the initial accreditation and the benefits to be delivered by the

application are the same. In considering an application for renewal, the QSA would be conducting an equally rigorous evaluation process and determining whether the guideline continues to be current and appropriate.

As with the current process for accreditation of a 1–12 syllabus or preparatory guideline, it is proposed that by 1 December in the year before accreditation of a kindergarten guideline is due to expire, the QSA will be required to send a notice advising of the impending expiry of the accreditation and advising the applicant about the process for renewal of accreditation. If the guideline continues to meet the criteria, its accreditation would be renewed for a further period of up to six years.

Comparison of Proposed Fee with Other Australian Jurisdictions

A cost comparison is not available as other jurisdictions do not provide for an accreditation process for kindergarten guidelines, or in the case of Tasmania, have not set a fee. Further details are contained at **Appendix 2**.

Unlike other jurisdictions, Queensland's policy position has been to recognise that other education organisations, individuals and private businesses have valuable contributions and innovations to make in the development of syllabuses and guidelines. The accreditation function gives Queensland the flexibility to tailor syllabuses or guidelines to the needs of specific groups of children and to take advantage of innovations in education as developed by other entities.

Implementation of Proposed Fee Structure

Subject to the proposed amendments to the QSA Regulation being approved, it is proposed that the new accreditation function and the new fee structure will become operational in August 2010.

This will allow the QSA sufficient time to process any applications for accreditation and for any accredited kindergarten guidelines to be ready for implementation in child care services in January 2011 when the *Queensland Kindergarten Learning Guideline* will also be available for implementation. Therefore, a provider will be able to comply with the requirements to be a State approved (funded) provider by offering a kindergarten program that aligns either with the *Queensland Kindergarten Learning Guideline* or with their own accredited kindergarten guideline.

6 Authorising Law

Section 79(2)(l) (Regulation-making power) of the QSA Act provides the head of power to prescribe fees, including the refunding of fees.

Section 79(2)(a)(ii) of the QSA Act allows for regulations to be made about the accreditation of kindergarten guidelines for implementation in child care services.

7 Policy Objective

The policy objective of the proposal to prescribe a fee for an application for accreditation of a kindergarten guideline, which is set at the level required to ensure the efficient and equitable use of State education resources.

This proposed amendments to the QSA Regulation to prescribe the application fee and the process for accreditation of a kindergarten guideline aligns with the goal of the Government's *Toward Q2: Tomorrow's Queensland* that all children will have access to a quality early childhood education program so that they are ready for school.

8 Legislative Intent

The proposed Amendment Regulation will introduce a new fee for accreditation or renewal of accreditation of kindergarten guidelines.

The legislative intent is that the fee will be payable by any person (individuals or businesses) applying for accreditation or renewal of accreditation of a kindergarten guideline. In practice, this will normally be a child care service provider.

9 Consistency with Authorising Law

The proposed Amendment Regulation will be consistent with the authorising law as it will allow the QSA to defray the costs associated with accrediting and renewing accreditation of a kindergarten guideline.

10 Consistency with Other Legislation

The proposed Amendment Regulation is consistent with other legislation.

11 Impacted Stakeholders

Stakeholders affected by the proposed application fee for accreditation or renewal of accreditation of a kindergarten guideline are:

- providers of early childhood education and care services seeking to have an existing learning framework accredited as a kindergarten guideline;
- individuals or businesses seeking to have a kindergarten guideline accredited for use by any child care service provider;
- the QSA in assisting the education sector to achieve quality learning outcomes and to defray costs for this service;
- providers of early childhood education and care services wishing to become a State approved kindergarten provider;
- teachers who will be teaching within the accredited kindergarten guideline; and
- parents who will be making educational choices for their children based on the availability and quality of a kindergarten guideline.

12 Options and Alternatives

This RIS considers the following two options:

OPTION 1: Introduce the Proposed New Fee.

Under option 1, the QSA will be able to recover the cost of processing and considering applications for accreditation or renewal of accreditation of a kindergarten guideline.

The imposition of a fee would ensure that resources are not drawn away from existing QSA activities to the new activity of accrediting or renewing accreditation of a kindergarten guideline.

The fee is proposed to be set at a level that will allow the QSA to provide a rigorous quality assurance process, and ensure that prospective kindergarten guidelines do not fall short of the minimum standards required for accreditation. The fee will also demonstrate to the education community and the wider public that the accreditation process is rigorous and something to be valued, not merely a “rubber stamping” activity.

The proposed application fee is likely to be a minor cost when compared to the actual costs that are likely to have been incurred in developing a kindergarten guideline. The potential

impact of the application fee is expected to be minimal, when shared among all potential users of the guideline over the life of its accreditation.

Charging a fee for accreditation of a kindergarten guideline that is equivalent to the current fee for accreditation of a 1–12 syllabus or preparatory guideline would also ensure equity between all entities requesting accreditation of a 1–12 syllabus, preparatory guideline or kindergarten guideline.

OPTION 2: Do not Introduce the Proposed New Fee.

This option is not preferred as it would mean that the QSA will not be able to recover the costs incurred in the accreditation of a kindergarten guideline. Consequently, the QSA would be required to divert its existing resources to the process of accreditation. If this was to occur, there would be a negative impact on other services delivered by the QSA.

The only cost neutral alternative would be for the QSA not to exercise its accreditation function in relation to kindergarten guidelines. As a result, all early childhood education and care providers in Queensland would have no choice but to implement the *Queensland Kindergarten Learning Guideline* if they wish to continue to be a State approved kindergarten provider.

13 Cost/Benefit Assessment

Impacts on stakeholders are summarised in the following table, relative to the current situation.

OPTION 1 (assessed against Option 2, the status quo)

Stakeholder	Cost	Benefit
Providers of early childhood education and care services seeking to have an existing kindergarten learning framework accredited as a kindergarten guideline	Commercial applicants would bear the application costs, unless they seek to recover their application costs through increases in fees.	<p>There would be no community-subsidised benefits being provided to commercial applicants.</p> <p>Accreditation formally recognises the educational value of a kindergarten guideline in a form that will be easily recognisable in the education sector, and the wider community.</p> <p>The accreditation of a kindergarten guideline would enable early childhood education and care services to establish to the education sector that their product is of comparable standard to the guideline developed by the QSA.</p> <p>An accredited kindergarten guideline could therefore become a valued marketing tool for services. Accredited kindergarten guidelines would be recognised as having met the highest standards of quality.</p> <p>The owner of an accredited guideline would retain intellectual property rights over the product and could sell that product or enter into</p>

Stakeholder	Cost	Benefit
		<p>commercial agreements with other individuals or entities to enable that product to be used in other early childhood education and care services.</p> <p>Providers of early childhood education and care services will be able to make one application for accreditation of their existing learning framework and once the guideline is accredited, implement it across all their services over a period of up to six years (or longer if the accreditation is renewed).</p> <p>Since an accredited guideline would be benchmarked against the <i>Queensland Kindergarten Learning Guideline</i>, it will provide the learning foundation to support the transition to the QSA Early Years Curriculum Guidelines in the Preparatory Year, and align with the <i>Early Years Learning Framework</i>. This will also support services to meet the curriculum requirements in the proposed National Quality Standard.</p> <p>All applicants would be treated equally under the proposed fee structure.</p>
<p>Individuals or businesses seeking to have a kindergarten guideline accredited for use by any child care service provider</p>	<p>A fee may discourage individuals or businesses from developing an equivalent kindergarten guideline, especially those that do not have a commercial imperative associated with their product.</p>	<p>Prior knowledge of the fee for accreditation would encourage individuals or businesses to develop high quality products. If the actual cost of accreditation was to be charged in each circumstance, then the fee could vary considerably across applications, depending on the quality and complexity of the proposals.</p> <p>A standard fee would also allow kindergarten guideline developers to consider the actual cost of accreditation prior to commencing the development of their product.</p> <p>Vexatious applications will be eliminated or will at least recover the cost of the evaluation (if the application is withdrawn or rejected before the start of the evaluation process).</p>
<p>Queensland Studies</p>	<p>The QSA will incur administrative costs with respect to accreditation</p>	<p>The proposed fee would allow the QSA to recoup costs associated</p>

Stakeholder	Cost	Benefit
Authority (QSA)	of kindergarten guidelines.	<p>with every application for accreditation or renewal of accreditation and ensure that other QSA functions are not hampered through diversion of resources to the new accreditation function.</p> <p>The fee is reasonable and adequate to allow the QSA to provide a rigorous quality assurance process, and ensure that prospective kindergarten guidelines do not fall short of the minimum standards required for accreditation. Accreditation would therefore ensure a quality assured recognised product.</p> <p>The proposed fee and accreditation process would ensure the QSA conducts a consistent and equitable process for all entities applying for accreditation of a kindergarten guideline, 1–12 syllabus or preparatory guideline.</p>
Providers of early childhood education and care services wishing to become a State approved kindergarten provider	<p>A service would need to offer a kindergarten program that aligns with the <i>Queensland Kindergarten Learning Guideline</i> or an accredited kindergarten guideline.</p> <p>No additional resource costs are anticipated from implementation of <i>Queensland Kindergarten Learning Guideline</i>.</p>	<p>Service may be able to apply to become a State approved kindergarten provider to receive relevant funding.</p> <p>Since the <i>Queensland Kindergarten Learning Guideline</i> is being developed to align with the <i>Early Years Learning Framework</i>, any early childhood education and care service that adopts the <i>Queensland Kindergarten Learning Guideline</i> or an accredited guideline will also be providing a kindergarten program aligned with the <i>Early Years Learning Framework</i>.</p>
Teachers	None expected.	<p>Teachers will have strong guidelines to help them deliver a quality kindergarten program that is based on the approved <i>Queensland Kindergarten Learning Guideline</i> or an accredited guideline.</p> <p>An accredited guideline will provide teachers with further contextual guidance by setting clear expectations for children’s learning and age appropriate teaching and assessment practices, with a key focus on early literacy and numeracy skills.</p>

Stakeholder	Cost	Benefit
Parents	Commercial operators may seek to recover their application costs through increases in fees.	<p>Children will participate in a high quality kindergarten program that is based on the approved <i>Queensland Kindergarten Learning Guideline</i> or an accredited guideline.</p> <p>Since an accredited guideline would be benchmarked against the <i>Queensland Kindergarten Learning Guideline</i>, it will also provide the learning foundation to support the transition to the QSA <i>Early Years Curriculum Guidelines</i> in the Preparatory Year, and align with the <i>Early Years Learning Framework</i>.</p> <p>An accredited guideline would maximise continuity of learning for children between an early childhood education and care setting and school.</p> <p>An accredited guideline will provide consistency in learning programs across kindergarten services.</p>

The above cost/benefit assessment table indicates that while there will be some cost to providers of early childhood education and care services who wish to seek accreditation of an existing learning framework, as a result of the new fee, the impact of the cost is relatively small when spread over all the potential users and the accreditation period of up to six years.

It is anticipated that the majority of providers of early childhood education and care services would develop kindergarten programs which are based on the approved *Queensland Kindergarten Learning Guideline* (which will be freely accessible through the QSA), rather than undertake the task of developing their own unique guideline, applying to have it accredited by the QSA, and then writing a program based on that guideline. Consequently, only a small number of early childhood education and care services are likely to apply for accreditation of their existing learning frameworks.

14 Consistency with Fundamental Legislative Principles

The *Legislative Standards Act 1992* requires that legislation has sufficient regard to the rights and liberties of individuals; and the institution of Parliament.

The proposed Amendment Regulation is consistent with fundamental legislative principles.

15 Conclusion

The proposed fee for accreditation or renewal of accreditation of kindergarten guidelines is fundamental to achieve successful outcomes for child care services, the community and government. If the propose fee is not implemented, there will be no legal basis for the QSA to recover costs incurred in accrediting a kindergarten guideline.

Introduction of the proposed fee is considered unlikely to impose an appreciable cost on the majority of providers of early childhood education and care services as they are likely to develop kindergarten programs for their services based on the approved *Queensland*

Kindergarten Learning Guideline or an accredited guideline. Consequently, only a small number of providers would be likely to apply for accreditation.

The imposition of a fee would have the following benefits:

- Enable the QSA to recoup the costs associated with every application, thereby not imposing a cost on government or on the resourcing of other QSA functions.
- The community, through the Government, will not be subsidising commercial enterprises.
- Public confidence in the process of accreditation will be maintained.
- The accreditation process will become a valued marketing tool within the early childhood education and care sector.
- Kindergarten guideline developers will be able to determine the exact cost to them of the accreditation process prior to commencing development of their product. This will provide them with greater commercial certainty as to the profitability of their business.

Furthermore, the proposed fee aligns with the QSA's current accreditation fees and processes for similar products. This will ensure equity to all entities requesting accreditation or renewal of accreditation of a 1–12 syllabus, preparatory guideline or kindergarten guideline.

Appendix 1—Comparison of Existing and Proposed Evaluation Criteria

	Existing 1–12 Syllabus and Preparatory Guideline	Proposed Kindergarten Guideline
Educational Criteria	<ul style="list-style-type: none"> • rationale for the syllabus or guideline; • be appropriate for the educational needs of the group of students provided under the syllabus or guideline; • defines standards of learning and assessment that achieve or exceed outcomes for students equivalent to the outcomes achieved under related approved syllabuses or guidelines; • allows adequate time for achieving the standards of learning and assessment; • promotes a balance, depth, quality and range (the characteristics) of learning experiences of a standard that achieves or exceeds the standard for the characteristics of learning experiences under related approved syllabus or guideline; • does not encourage or condone discrimination on the basis of an attribute mentioned in the <i>Anti-Discrimination Act 1991</i>, section 7. 	<ul style="list-style-type: none"> • rationale for the guideline; • be appropriate for the educational needs of the group of children provided under the guideline; • describe the areas of learning and development within the kindergarten program; • describe the expected knowledge, skills and dispositions within the areas of learning and development and learning behaviours typical of children at the end of the kindergarten year; • promote a balance, depth, quality and range (the characteristics) of learning experiences of a standard that achieves or exceeds the standards for the characteristics of learning experiences under related approved guidelines; • provides advice on and a format for monitoring and assessing children’s learning to support reporting to parents and the transition into school; • does not discriminate or condone discrimination on the basis of an attribute mentioned in the <i>Anti-Discrimination Act 1991</i>, section 7.
Social Responsibility Criteria	<ul style="list-style-type: none"> • will not encourage or condone contravention of: <ul style="list-style-type: none"> ◦ a law of the State or Commonwealth; or ◦ an international treaty to which the Commonwealth is a party; • will not be inconsistent with an agreement between the State or representative of the State and another State or the Commonwealth or a representative of another State or the Commonwealth; • will not be contrary to the public interest. 	<ul style="list-style-type: none"> • will not encourage or condone contravention of: <ul style="list-style-type: none"> ◦ a law of the State or Commonwealth; or ◦ an international treaty to which the Commonwealth is a party; • will not be inconsistent with an agreement between the State or representative of the State and another State or the Commonwealth or a representative of another State or the Commonwealth; • will not be contrary to the public interest.

Appendix 2—Accreditation Process Across Australian Jurisdictions

Accreditation Process Across Australian Jurisdictions	
ACT	<ul style="list-style-type: none"> No Accreditation process is available. The ACT adopts the NSW curriculum.
NSW	<ul style="list-style-type: none"> No accreditation process is available as the New South Wales Board of Studies does not carry out accreditation. The State curriculum is required to be implemented.
NT	<ul style="list-style-type: none"> No accreditation process is available. <i>Strong Beginnings</i> provides the framework for pre-schools (kindergarten equivalent), which are connected to a primary school. Northern Territory Curriculum Framework is then mandated from transition (Preparatory Year equivalent) to Year 10. The senior syllabus (Years 11–12) has been purchased from South Australia.
SA	<ul style="list-style-type: none"> No accreditation process is available. The national <i>Early Years Learning Framework</i> is mandated for use across the government sector.
Tas	<ul style="list-style-type: none"> The Tasmanian Qualifications Authority cannot accredit courses for kindergarten to year 10, only courses for senior secondary students (Years 11–12). The <i>Tasmanian Curriculum</i> is implemented for K–10. The <i>Tasmanian Qualifications Authority Act 2003</i> allows a fee to be charged for accreditation of senior secondary courses, but a fee has not currently been set.
Vic	<ul style="list-style-type: none"> No accreditation process is available. Government funding eligibility for kindergarten is linked to adoption of the Victorian <i>Early Years Learning and Development Framework for all Children from Birth to Eight Years</i>.
WA	<ul style="list-style-type: none"> No accreditation process is available. All registered schools (including those that offer a kindergarten program) are required to implement the <i>Curriculum Framework</i> developed by the Western Australia Curriculum Council.