

Education (Queensland Curriculum and Assessment Authority) Regulation 2025

Explanatory notes for SL 2025 No. 112

made under the

Acts Interpretation Act 1954

Education (Accreditation of Non-State Schools) Act 2017

Education (Queensland Curriculum and Assessment Authority) Act 2014

General Outline

Short title

Education (Queensland Curriculum and Assessment Authority) Regulation 2025

Authorising law

Section 52B of the *Acts Interpretation Act 1954*

Section 179 of the *Education (Accreditation of Non-State Schools) Act 2017*

Section 92(1) of the *Education (Queensland Curriculum and Assessment Authority) Act 2014*.

Policy objectives and the reasons for them

The policy objectives are to provide for an effective regulatory framework, through updated subordinate legislation, to allow the Queensland Curriculum and Assessment Authority (QCAA) to perform its functions under Part 2 of the *Education (Queensland Curriculum and Assessment Authority) Act 2014* (QCAA Act). In performing its functions, the QCAA will be able to give effect to the objects of the QCAA Act, which are to:

- help schools achieve quality learning outcomes for their students;
- help approved providers of education and care services to achieve quality learning outcomes for children who attend the services;
- provide accurate and informative records of student achievement, including through the production of certificates of achievements and statements of results; and
- maintain public confidence in certificates of achievement and statements of results developed and administered by the authority.

The QCAA is a statutory body of the Queensland Government. It was established on 1 July 2014 by the QCAA Act, replacing the Queensland Studies Authority. The QCAA performs an important role in ensuring consistent and quality education in Queensland schools.

While the QCAA Act provides for the functions and establishment of the QCAA, details in relation to how the QCAA performs its functions are provided for in the *Education (Queensland Curriculum and Assessment Authority) Regulation 2014* (current Regulation).

Section 92 of the QCAA Act provides that regulations may be made about a range of matters relating to the QCAA's functions, including:

- the issuing of certificates of achievement and statements of results, including eligibility requirements for the issue of the certificates and statements;
- the accreditation of kindergarten guidelines for implementation in education and care services by the authority;
- the assessment of students for senior subjects;
- procedures and arrangements for moderation;
- deciding the equivalence, in the State, of a level of school education reached, or a school qualification obtained, by a person at an educational institution established outside the State;
- the verification of information contained in a certificate of achievement, or a statement of results issued to a person;
- the opening, closing and recording of information in a student account for a person;
- the obligation of entities to provide information to the authority for recording in a student account;
- the disclosure of information recorded in a student account for a person or aggregated student account information;
- fees, including the refunding of fees, under the QCAA Act.

The current Regulation was scheduled to expire on 31 August 2024 in accordance with section 54 of the *Statutory Instruments Act 1992* (SIA). The current Regulation was extended until 31 August 2025 under section 56A of the SIA, as replacement subordinate legislation was being drafted.

In anticipation of the current Regulation's expiry, the Department of Education (the department) completed a sunset review of the current Regulation to evaluate its continuing relevance, effectiveness and efficiency, including broad consultation with stakeholders.

Stakeholders were provided with a consultation paper seeking their feedback on the operation of the current Regulation and also any advice for changes or improvements that could be reflected in a new Regulation. Stakeholder consultation occurred with education unions.

Without a new Regulation, the QCAA will lack an essential tool supporting the effective delivery and operation of their normal functions. Providing for effective curriculum and assessment is essential to ensuring a quality education system. Education is a key element in ensuring informed and engaged citizens within a democratic society.

The review and associated consultation determined that a Regulation is still required, with a number of minor amendments identified to improve effectiveness, clarify intent and modernisation of language in accordance with contemporary drafting processes.

Achievement of policy objectives

The *Education (Queensland Curriculum and Assessment Authority) Regulation 2025* (Regulation) has been made to replace the expiring current Regulation.

The Regulation continues to prescribe the detail and processes in relation to the QCAA's functions, as outlined above. A number of minor changes have been made to support QCAA in the effective delivery of their functions.

Legislated timeframes

The following legislated timeframes are changed to allow longer periods for applications to be made:

- section 78 (section 73 of the current Regulation) amends the final date for an application to take an external senior assessment at another place from 30 June to 31 August; and
- section 85 (section 76 of the current Regulation) amends the final date for an application to take a relevant test under special arrangements that take account of the personal capacity circumstance from 31 March to 31 May.

These amendments support both the QCAA's operations and provide applicants with longer timeframes in which to make an application.

Regulatory process improvements

Some minor regulatory processes are also removed to reduce unnecessary regulatory requirements:

- no longer requiring the QCAA to list recognised non-Queensland studies on website (sections 123 and 109 replacing sections 107 and 109 of the current Regulation);
- providing the QCAA with improved flexibility to decide the number of semesters for a person eligible for a Queensland certificate of individual achievement (section 130 replacing section 118 of the current Regulation);
- no longer requiring the number of credits for contributing studies to be included on a senior statement (section 135 replacing section 123 of the current Regulation);
- no longer requiring the inclusion of the number of semesters for studies that are contributing studies for a record of results (section 138 replacing section 126 of the current Regulation);
- no longer requiring recording whether a student is full time or the year of schooling when opening a student account (section 140 replacing section 127 of the current Regulation); and
- no longer requiring that a provider of an eligible option to provide information about an enrolled person's full-time status to the QCAA (section 144 replacing section 131 of the current Regulation).

To improve flexibility and fairness, some minor amendments are made in relation to the QCAA's ability to refund or waive fees. The amendments:

- give the QCAA greater flexibility to allow fees to be waived for financial or medical hardship (rather than just because of natural disasters or pandemics) or if it is appropriate because of health or medical issues (section 171 replacing section 171A of the current Regulation); and
- expand the grounds for refund of application fee if external senior examination was missed to include not just illness, but also an unexpected event outside a person's control, such as a natural disaster (section 166 replacing section 167 of the current Regulation).

Academic Integrity Course

To address changes in technology and artificial intelligence, the QCAA conducted further consultation in 2024 in relation to options to ensure academic integrity. The outcomes of consultation determined that an obligation to meet academic integrity requirements for a person to be eligible for the issue of a Queensland Certificate of Education (QCE) should be included in the Regulation.

General legislative improvements

The Regulation has been updated in accordance with modern drafting principles to improve overall clarity, support consistency with the QCAA Act, align with human rights and natural justice principles, and provide for transitional amendments to allow for QCAA operations to continue effectively during the change from the old Regulation to the new Regulation. As a consequence, a number of sections have been restructured, reordered or reworded to ensure clarity, but the intent has remained unchanged.

The application of modern drafting principles has also resulted in provisions of the Regulation being renumbered throughout.

The new Regulation will replace the expiring Regulation and allow the QCAA to continue to perform its functions effectively under the QCAA Act and ensure a quality education system in Queensland.

Consequential amendments are made to the *Acts Interpretation (Fee Unit) Regulation 2022* and the *Education (Accreditation of Non-State Schools) 2017* to update references to the current Regulation to reflect the new *Education (Queensland Curriculum and Assessment Authority) Regulation 2025*.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the QCAA Act.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Process improvements provided for in the Regulation will support the QCAA to operate effectively and efficiently and remove unnecessary regulatory burden.

As the Regulation continues the status quo in relation to the QCAA and associated processes, the benefits and costs of the operations of the Regulation are not significantly different from the benefits and costs of the current Regulation.

Consistency with fundamental legislative principles

The Regulation is generally consistent with fundamental legislative principles (FLP) as set out under section 4 of the *Legislative Standards Act 1992* (LSA). However, some potential inconsistencies are discussed below:

Section 83 – application to take relevant test—student of recognised school (section 4(3)(b) of the LSA)

Under this section, the QCAA considers applications from students from overseas schools to take Queensland examinations at a particular place. There is no review right for a QCAA decision. This could be considered an inconsistency with the fundamental legislative principle of consistency with natural justice.

This provision is for international students undertaking the QCE at a school in their home country. The services are currently delivered under a contractual arrangement with DEi (the department's International Division).

These students are only entitled to participate in the QCE because of an agreed arrangement regulated by a contract. It is not considered reasonable that the QCAA would also give these students an appeal right if they request sitting the exam at a different location.

Section 95 – moderation and confirmation of student results (section 4(3)(a) of the LSA)

A key role of the QCAA is the moderation of student results. The QCAA confirms approximately 170,000 samples of student work a year. While there is no external review of a moderation decision by the QCAA, the moderation process is robust and involves a series of independent assessment and reviews of sampled students' assessments undertaken by specialist confirmers.

In addition, a school may seek a review of a confirmed result for a student under section 96 of the Regulation. A student may also seek verification of the accuracy of the information in their statement of results following certification.

The moderation process is justified and not considered a breach of FLPs on the basis the decisions involve technical issues and that specialist confirmers are best placed to make these assessments. External review of a moderation decision would therefore not be appropriate.

Section 131 – certification studies—contributing studies for Queensland certificate of individual achievement (QCIA) (section 4(3)(c) of the LSA)

Under this section, a contributing study for a QCIA must be a study published on the QCAA's website, amongst other criteria. The QCAA Act provides that certification studies are studies prescribed under a regulation.

The regulation further sub-delegates to the QCAA, via its website, what a certification study is. This could be considered to be inconsistent with the FLP of allowing the delegation of administrative power only in appropriate cases and to appropriate persons.

However, as a statutory authority, the QCAA's function under section 15 of the QCAA Act is to certify studies in schools, which makes them the appropriate authority to designate certification studies.

To ensure transparency for stakeholders, it is appropriate that certified studies are published on the QCAA website, while the number of certifying studies makes it administratively impractical to include them in a statute. Publication on the website also allows greater flexibility and improved timeliness for the notification of QCAA approved certification studies, which supports stakeholders with access to current information.

Section 157 – application for verification of information (section 4(3)(a) of the LSA)

Under this section, the QCAA decides an application for verification of information in Queensland certificate of individual achievement or statement of results. This review process allows a person to seek a review of information on certificates and statements.

There is no external review of a QCAA decision in relation to this internal review. This is appropriate because the QCAA, as a statutory authority, has the function of issuing certificates of achievement and statements of results for certified studies in Queensland under section 15 of the QCAA Act.

The QCAA is the authority with the expertise and information to make the final decision on whether the information on a certificate or statement of results is accurate. The review process, which this section applies to, provides for a robust review process.

Provisions that provide for guidelines (section 4(3)(c) of the LSA)

A number of provisions require the QCAA to create and publish guidelines on matters, such as a moderation guideline stating the criteria to be applied to moderate school-based assessment (section 93 of the Regulation), what constitutes an academic integrity course for eligibility for a Queensland Certificate of Education (section 99 of the Regulation), guidelines for contributing studies (section 105 of the Regulation).

The use of guidelines to provide additional information about QCAA decision making could be perceived as a further sub-delegation of legislative powers.

The guidelines deal with highly technical and detailed matters that require frequent updating. The QCAA must manage and monitor 170,000 plus samples of work, more than 150,000 student accounts, and extensive lists of contributing studies. Additionally, courses such as the academic integrity course can change or require modification from year to year to address technological changes. The use of guidelines ensures the QCAA can effectively and efficiently manage changes and the technical matters and maintain current and timely information and advice for stakeholders. Guidelines also ensure transparency, so that students, schools and other stakeholders can readily access information in a clear and understandable form.

All provisions noted here have been brought forward from the current Regulation with no issues raised by stakeholders.

Consultation

In 2023, the department commenced consultation with the QCAA on the current Regulation under a sunset review.

Between September and October 2023, key stakeholders were consulted. This included engagement with education teachers' unions, principals' associations, non-state schools (including the Queensland Catholic Education Commission (QCEC) and Independent Schools Queensland (ISQ)), the then Department of Youth Justice, Employment, Small Business and Training (DYJESBT), parents' associations, early childhood operators and universities.

During consultation, minor amendments were identified to clarify QCAA roles, the intent of provisions, and for timeframes to allow the QCAA to effectively perform its functions. All amendments identified have been reflected in the Regulation.

Additionally, to address changes in technology and artificial intelligence, the QCAA conducted consultation in 2023 in relation to options to ensure academic integrity. The proposed model requiring completion of an academic integrity course a mandatory prerequisite for eligibility of a QCE was supported by the majority of stakeholders and is included in the Regulation.

Section 92 of the QCAA Act requires that, before recommending to the Governor in Council the making of a regulation about particular matters relating to the disclosure of information and fees, the Minister must consult with ISQ, the QCEC and the training chief executive (currently the chief executive of the Department of Trade, Employment and Training (DTET), formerly DYJESBT).

These stakeholders were consulted in July 2025 on an Exposure Draft of the Regulation. ISQ, QCEC and DTET did not raise any issues in relation to the Exposure Draft of the Regulation. QCEC explicitly reiterated support for the requirement to make an academic integrity course a mandatory prerequisite for eligibility of a QCE. ISQ noted that it would consult with the QCAA on what courses would constitute an equivalency with the QCAA academic integrity course.

Stakeholders support the proposed Regulation.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was notified about the sunset review of the Regulation and a summary Impact Assessment Statement (IAS) was prepared. The IAS will be published on the department's website and supplied to the Office of Best Practice Regulation when published.