

Education (General Provisions) (Prescribed State Schools) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 135

made under the *Education (General Provisions) Act 2006*

General Outline

Short title

Education (General Provisions) (Prescribed State Schools) Amendment Regulation 2025

Authorising law

Sections 419A and 434 of the *Education (General Provisions) Act 2006*.

Policy objectives and the reasons for them

Under the Preschool Reform Funding Agreement, the Queensland Government is committed to ensuring all children have the opportunity to access kindergarten in the year before full time school. Access to a free kindergarten program for eligible-aged children in Queensland commenced from 1 January 2024.

It can be challenging for rural and remote communities and communities with identified barriers to sustain a viable kindergarten service due to difficulties attracting and retaining early childhood teachers and fluctuating cohorts of kindergarten aged children.

In 2016, a Remote Kindergarten Pilot Program was introduced to pilot the delivery of kindergarten from 11 prescribed state schools in remote communities. The pilot was expanded in 2017, with additional state schools prescribed as sites for the program. In October 2018, the pilot transitioned to an ongoing program and, since then, has expanded to provide State Delivered Kindergarten (SDK) programs to remote schools across Queensland in communities where there is no viable commercial alternative or complex and unique challenges impacting kindergarten participation.

Under the current policy, state schools are approved to provide SDK programs in state schools where the nearest approved Kindergarten Program Provider (KPP) is more than 40 kilometres (km) away; and allowing Ministerial discretion to approve SDKs irrespective of the 40km eligibility criteria in certain circumstances with identified barriers to kindergarten access.

Each year, the Department of Education's Early Childhood division receives updated data from the Queensland Government Statistician's Office (QGSO), mapping state schools to their closest approved kindergarten program provider. Based on the latest data provided, Mutarnee State School (SS) and Irvinebank SS have been identified as meeting the distance criterion for inclusion in the SDK program.

The prescription of state schools that provide SDK programs in a regulation is necessary because state schools are defined in Schedule 4 Dictionary of the *Education (General Provisions) Act 2006* (EGP Act) to mean an educational institution established under section 13 of the EGP Act. Section 13 of the EGP Act provides that the Minister may establish schools at which the State provides primary, secondary or special education, but makes no references to kindergarten programs.

To allow for SDK programs, section 419A of the EGP Act provides that the Minister may approve a program focused on literacy and numeracy for preparing a child for education in the preparatory year, to be a kindergarten learning program for a prescribed state school. A state school must be prescribed under the *Education (General Provisions) Regulation 2017* (EGP Regulation) for the school to commence to deliver a kindergarten learning program.

Section 74 of the EGP Regulation provides that the state schools mentioned in Schedule 4 of the EGP Regulation, are the state schools prescribed for section 419A(5) of the EGP Act. With the prescription of two new state schools, 112 state schools will be prescribed to deliver kindergarten under Schedule 4 of the EGP Regulation.

To achieve this outcome, an amendment to the EGP Regulation is necessary to prescribe Mutarnee SS and Irvinebank SS to accept kindergarten registrations in Term 4, 2025 and commence delivering a kindergarten program from 2026.

Irvinebank SS

Based on current data from the QGSO, Irvinebank SS is 44.878km from the nearest approved KPP, being Symphony Early Learning in Atherton. The closure of a service in Herberton led to the school being eligible under the 40km criterion. There will potentially be three kindergarten-aged children in the community in 2025–26.

Mutarnee

Based on current data from the QGSO, Mutarnee SS is 40.168km from the nearest approved KPP, being the Creche & Kindergarten Association Limited Bluewater Community Kindergarten. The school was previously mapped at 39km, but in the mapping data received from the QGSO in 2024 the distance was recalculated at 40km. It is anticipated that four to six kindergarten-aged children will be in the community in 2025–26.

Prescribing Mutarnee SS and Irvinebank SS to deliver an SDK program from the earliest possible date in 2025 will ensure the schools are set up to provide the community with access to a kindergarten program. This will provide a strong start for all children and ensure access to kindergarten in the year before school for all children in the community.

The *Education (General Provisions) (Prescribed State Schools) Amendment Regulation 2025* (Amendment Regulation) prescribes Irvinebank SS and Mutarnee SS as additional state schools to deliver a kindergarten program.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by prescribing as Irvinebank SS and Mutarnee SS as additional state schools that can deliver a kindergarten program.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the EGP Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

Expanding delivery of kindergarten programs in communities will contribute to the Queensland Government's commitment to ensure all kindergarten-age children in Queensland have access to a quality early childhood education program.

Implementation costs for prescribing these new schools to deliver the SDKs will be funded from within existing Department of Education budget. These costs include professional development, resourcing, teacher aide salaries and infrastructure.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The prescription of Irvinebank SS and Mutarnee SS is consistent with approved Government policy and enables ongoing access to a free kindergarten program for families living in remote Queensland communities. For these reasons, only targeted consultation regarding the schools' eligibility to provide kindergarten was undertaken with the school communities.

Consultation included opportunities for community members to provide verbal and written feedback. Feedback from both the Mutarnee and Irvinebank communities indicates support for the delivery of an SDK program at the respective state schools.

The Office of Best Practice Regulation has been notified of the Amendment Regulation. In line with the *Queensland Government Better Regulation Policy*, a short statement Impact Analysis Statement (IAS) has been prepared for the Amendment Regulation as the Amendment Regulation is machinery in nature and is consistent with the Government endorsed policy for eligibility criteria to prescribe an SDK. The IAS will be published on the Department of Education website.