

# Education and Care Services National Law (Queensland) Regulation 2022

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, Grace Grace, Minister for Education, Minister for Industrial Relations and Minister for Racing, provide this human rights certificate with respect to the *Education and Care Services National Law (Queensland) Regulation 2022* (the Regulation) made under the *Education and Care Services National Law (Queensland) Act 2011* (the Enabling Act).

In my opinion, the Regulation is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The *Education and Care Services National Law (Queensland) Regulation 2011* (expiring Regulation) is made under the Enabling Act. It is due to expire on 1 September 2022 in accordance with section 54 of the *Statutory Instruments Act 1992*. In anticipation of this expiry, the Department of Education reviewed the expiring Regulation to evaluate its continuing relevance, effectiveness and efficiency.

The expiring Regulation has only three sections, with the first two sections being preliminary relating to the short title and commencement. Section 3 gives meaning to the definition of central governing body (CGB) in section 32 of the Enabling Act, which states that a CGB is an entity, prescribed under a regulation, that receives funding from the department for an approved kindergarten program provided by one or more relevant services to which the entity provides all or part of the funding.

Five entities are currently prescribed in the expiring Regulation, making them CGBs.

The provisions in the expiring Regulation still provide an important role in prescribing central governing bodies, as required by section 32 of the enabling Act. The prescription of CGBs in a Regulation, rather than in an Act, allows for new CGBs to be added or removed more efficiently, should it be necessary.

Consequently, the *Education and Care Services National Law (Queensland) Regulation 2022* (Regulation) has been made to replace the expiring Regulation.

The Regulation continues to prescribe five entities as CGBs, with four unchanged from the expiring Regulation. The one change is to replace the Association of Independent Schools of Queensland Inc, which was deregistered in 2016, with the entity that now represents independent schools, namely Independent Schools Queensland Ltd.

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Regulation does not engage or limit any human rights.

### Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

The Regulation does not limit any human rights protected under the HR Act. Therefore, it is not necessary to consider section 13 of the HR Act.

## Conclusion

I consider that the *Education and Care Services National Law (Queensland) Regulation 2022* is compatible with the HR Act as it does not raise a human rights issue.

**GRACE GRACE MP**  
MINISTER FOR EDUCATION  
MINISTER FOR INDUSTRIAL RELATIONS AND  
MINISTER FOR RACING

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