

Education (Queensland Curriculum and Assessment Authority) Regulation 2025

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*, I, John-Paul Langbroek MP, Minister for Education and the Arts, provide this human rights certificate with respect to the *Education (Queensland Curriculum and Assessment Authority) Regulation 2025* (the Regulation) made under the *Education (Queensland Curriculum and Assessment Authority) Act 2014* (QCAA Act).

In my opinion, the Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Regulation supports 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 Queensland Curriculum and Assessment Authority's (QCAA) functions are set out under Part 2 of the QCAA Act. The functions include developing and revising syllabuses for Queensland schools (both state and non-state); testing and assessing senior students; moderation of student assessment; accrediting kindergarten guidelines, keeping of student accounts; and issuing certificates of achievement to senior students.

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) 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 by the authority of kindergarten guidelines for implementation in education and care services;
- 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; and
- fees, including the refunding of fees, under the QCAA Act.

The current Regulation expires on 31 August 2025 in accordance with section 54 of the *Statutory Instruments Act 1992*. Accordingly, the Department of Education completed a sunset review of the current Regulation to evaluate its continuing relevance, effectiveness and efficiency, including broad consultation with stakeholders, as outlined below.

As a consequence, it has been determined that a Regulation is still required, though a number of minor amendments have been identified to improve its effectiveness, clarify intent and modernise language in accordance with contemporary drafting processes. Additionally, some amendments address new challenges posed by artificial intelligence, as well as improving general operations of the QCAA by removing unnecessary regulatory requirements and allowing greater flexibility in the waiving and refunding of fees.

Without a new Regulation, the QCAA will lack an essential tool in the 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 new Regulation will replace the expiring current Regulation and allow the QCAA to continue to perform its functions effectively under the QCAA Act and ensure a quality education system in Queensland.

Human Rights Issues

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

The provisions in the new Regulation engage the right to have access to education (section 36(1) of the HR Act). The right to education provides that every child has the right to have access to primary and secondary education appropriate to the child's needs.

The proposed amendments do not limit the right to education but increase access by ensuring the QCAA can perform its functions under the QCAA Act effectively, ensure Queensland students are appropriately assessed, and school curriculums are appropriate to allow for a quality education.

Conclusion

I consider that the Regulation is compatible with the *Human Rights Act 2019* as it does not raise a human rights issue.

JOHN-PAUL LANGBROEK MP
MINISTER FOR EDUCATION AND THE ARTS

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