

# Education (Accreditation of Non-State Schools) Amendment 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* (HR Act), I, John-Paul Langbroek MP, Minister for Education and the Arts, provide this human rights certificate with respect to the *Education (Accreditation of Non-State Schools) Amendment Regulation 2025* (Amendment Regulation) made under sections 11 and 79 of the *Education (Accreditation of Non-State Schools) Act 2017* (EANSS Act).

In my opinion, the Amendment 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 Amendment Regulation is designed to support non-state schools' compliance with Child Safe Standards (CSS) under the *Child Safe Organisations Act 2024* (CSO Act).

The EANSS Act and the *Education (Accreditation of Non-State Schools) Regulation 2017* (EANSS Regulation) provide for the establishment of the Non-State Schools Accreditation Board (NSSAB), as well as an accreditation framework for non-state schools and eligibility for government funding for non-state schools.

The EANSS Act sets out the accreditation framework by providing for accreditation criteria to be prescribed under the EANSS Regulation. Accreditation criteria cover the schools' administrative and governance arrangements; financial viability; educational program; student welfare processes; resources and improvement processes.

The EANSS Regulation references non-education legislation that a school must comply with under the accreditation framework. Examples include a school being compliant with the requirements of the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) and the *Work Health and Safety Act 2011* (WHS Act) in relation to student welfare processes.

On 19 September 2024, the CSO Act achieved Royal Assent and commenced, in part, on 1 October 2025.

The CSO Act prescribes child safe entities, which cover education entities including non-state schools. Requirements for child safe entities commence from 1 January 2026, including 10 Child Safe Standards (CSS), which are:

- Leadership and culture – child safety and wellbeing is embedded in the entity's organisational leadership, governance and culture;
- Voice of children – children are informed about their rights, participate in decisions affecting them and are taken seriously;
- Family and community – families and communities are informed and involved in promoting child safety and wellbeing;

- Equity and diversity – equity is upheld, and diverse needs respected in policy and practice;
- People – people working with children are suitable and supported to reflect child safety and wellbeing values in practice;
- Complaints management – processes to respond to complaints and concerns are child focused;
- Knowledge and skills – staff and volunteers of the entity are equipped with the knowledge, skills and awareness to keep children safe through ongoing education and training;
- Physical and online environments – physical and online environments promote safety and wellbeing and minimise the opportunity for children to be harmed;
- Continuous improvement – implementation of the CSS is regularly reviewed and improved; and
- Policies and procedures – policies and procedures document how the entity is safe for children.

Currently, there is no explicit connection to the requirements of the CSO Act with regard to student welfare processes under the EANSS Regulation. Consequently, NSSAB may not be able to act against a school's accreditation, even if the school was found to be not compliant with its obligations under the CSO Act.

The Amendment Regulation amends the EANSS Regulation to make it a requirement for non-state schools to comply with the CSO Act as part of the criteria for accreditation.

Section 15 of the EANSS Regulation, which provides for the student welfare criteria for non-state schools, is amended so that a non-state school must comply with the CSO Act in complying with its student welfare accreditation criteria in the same way it must comply with other legislation such as the WWC Act and WHS Act. This creates a clear connection between legislated requirements under the CSO Act and non-state schools' accreditation requirements.

NSSAB will monitor compliance as it does with all accreditation criteria. Noting schools will already be required to comply with the CSS under the CSO Act, the regulation does not increase regulatory obligations. Nevertheless, the explicit link to the accreditation framework does increase the potential implications of non-compliance.

The amended section 15 clearly gives NSSAB authority to consider compliance with external legislation. It gives the non-state school sector a transparent regulatory approach and supports NSSAB in its sector regulator role.

## Human Rights Issues

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

The amendments engage, but do not limit the right to the protection of families and children and the right to have access to education.

## **Section 26 – right to the protection of families and children**

The *right to the protection of families and children* provides that: families are the fundamental group unit of society and are entitled to be protected by society and the State (section 26(1)); and every child has the right, without discrimination, to the protection that is in their best interests as a child (section 26(2)).

The Act recognises that children are entitled to special protection. It recognises that children are more vulnerable because of their age.

The proposed amendment does not limit the right to the protection of families and children but rather strengthens protections by ensuring NSSAB can act against a non-state school which does not comply with the CSS.

## **Section 36 – right to have access to education**

The provisions in the Amendment 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.

Based on Article 13 of the International Covenant on Economic, Social and Cultural Rights, the *right to education* is key to empowering people with the ability to realise their human rights, to fully participate in society, achieve social mobility and enjoy human existence.

The proposed amendments do not limit the right to education but increase access to education by ensuring non-state schools comply with the CSS, contributing to safer, healthier learning environments.

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

The Amendment Regulation does not limit, restrict or interfere with the human rights protected under the HR Act.

## **Conclusion**

I consider that the *Education (Accreditation of Non-State Schools) Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**JOHN-PAUL LANGBROEK MP**  
MINISTER FOR EDUCATION AND THE ARTS