

Education (General Provisions) (Winton State School) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 29

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

General Outline

Short title

Education (General Provisions) (Winton State School) Amendment Regulation 2022

Authorising law

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

Policy objectives and the reasons for them

From 2022 and under the Preschool Reform Funding Agreement, the Queensland Government committed to ensuring all children have the opportunity to access kindergarten in the year before full time school. While more than 95% of Queensland children attend kindergarten, access for children in rural and remote communities or communities with identified barriers remains a challenge, with participation in 2020 estimated to be approximately 73.7%.

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 (the pilot) 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 Queensland Government approved the pilot be transitioned to an ongoing program and further expanded it to include an additional 30 remote state schools. This program allowed state schools that are at least 50 kilometres (km) by road from the nearest approved kindergarten program provider (KPP) to provide a State Delivered Kindergarten (SDK) program.

In 2020, the Queensland Government committed to expanding the SDK program to include state schools at least 40 km from the nearest KPP, in response to feedback from stakeholders and community that the 50 km distance criterion was not fully meeting the needs of children and families in rural and remote Queensland.

Additionally, the Queensland Government committed to providing SDK programs in selected schools by allowing the Minister for Education, Minister for Industrial Relations and Minister for Racing (the Minister), to approve the provision of an SDK program outside the 40 km eligibility criteria in certain circumstances where there are barriers to accessing kindergarten.

On 31 December 2021, Winton Shire Council (the Council) ceased to be an approved KPP for the Winton Child Care Centre (Little Swaggies) service. The reason was due to the Council's ongoing inability to attract a qualified early childhood teacher. The Council was the sole early childhood education provider in Winton and given the change of Little Swaggies' KPP status, the Winton community no longer has access to a kindergarten within 40 km by road.

Winton State School (Winton SS) is eligible under the distance criterion of 40 km to deliver an SDK program. The community, Winton SS Parents and Citizens' Association and the Principal support the school being prescribed to deliver an 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 2016* (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. There are currently 104 prescribed state schools under Schedule 4 of the EGP Regulation.

The *Education (General Provisions) (Winton State School) Amendment Regulation 2022* (Amendment Regulation) will prescribe Winton SS to deliver a kindergarten program.

Achievement of policy objectives

The Amendment Regulation achieves its policy objectives by prescribing Winton SS as a state school 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 consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The implementation cost for prescribing this new school will be funded from the existing Department of Education (department) budget. These costs include professional development, resourcing, teacher aide salaries and infrastructure.

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.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The prescription of Winton SS is consistent with approved Government policy and enables the expansion of a kindergarten program in rural or remote communities or communities with identified barriers to kindergarten access. For these reasons, only targeted consultation was undertaken with the local community and Winton SS. The local community and Winton SS are supportive of the expansion of the SDK Program to Winton SS.

The Office of Best Practice Regulation has not been consulted on the Amendment Regulation because it has been agency assessed by the department as excluded from the Regulatory Impact Assessment system under *category (g) regulatory proposals that are of machinery nature*, because the Amendment Regulation is consistent with the Government endorsed policy for eligibility criteria to prescribe an SDK program.