

Education (Accreditation of Non-State Schools) (National Declaration) Amendment Regulation 2020

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, Grace Grace, Minister for Education and Minister for Industrial Relations provide this human rights certificate with respect to the *Education (Accreditation of Non-State Schools) (National Declaration) Amendment Regulation 2020* (Amendment Regulation) made under the sections 11 and 179 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 *Human Rights Act 2019* (HR Act). I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Amendment Regulation is made under and pursuant to sections 11 and 179 of the EANSS Act which empowers the Governor in Council to make regulations under the EANSS Act, and in particular to uphold standards of and maintain public confidence in Queensland's non-State schools: by prescribing accreditation criteria to ensure that non-State schools provide a quality education program such as: the school's administration and governance arrangement; the school's financial viability; the school's student welfare processes; the school's resources; and the school's improvement processes.

The Council of Australian Governments' Education Council (Education Council) endorsed the *Alice Springs (Mparntwe) Education Declaration* (Mparntwe Declaration) on 12 December 2019, which replaces the former *Melbourne Declaration on Education Goals for Young Australian* (Melbourne Declaration).

Sections 9(1)(e) and 10(2) of the *Education (Accreditation of Non-State Schools) Regulation 2017* (EANSS Regulation) make the reference to the Melbourne Declaration.

The Amendment Regulation removes the reference to the Melbourne Declaration in the EANSS Regulation and inserts the reference to the Mparntwe Declaration.

Human Rights Issues

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

The Amendment Regulation directly engages the *right to education* under the HR Act.

Section 36 – right to education

- The *right to education* provides every child has the right to have access to primary and secondary education appropriate to the child’s needs.
- The *right to education* is interpreted in international jurisprudence as encompassing the key elements of availability, accessibility, acceptability, and adequacy. Acceptability provides there be a commitment to a minimum standard of educational quality, curriculum and detaching methods that are relevant, of quality, and culturally appropriate.
- The Amendment Regulation amends sections 9(1)(e) and 10(2) of the EANSS Regulation to remove the reference to the Melbourne Declaration and insert new provisions to reference the Mparntwe Declaration that is endorsed by the Education Council.
- The Amendment Regulation supports, promotes and strengthens the *right to education* under the HR Act and provides the legislative framework for certain accreditation criteria to ensure that non-State schools continue to provide a quality educational program.
- On this basis, the Amendment Regulation is considered as promoting the right to education and is compatible with the HR Act.

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

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

Conclusion

I consider that the Amendment Regulation is compatible with the HR Act because it does not raise a human rights issue, but supports and strengthens existing human rights protected under the HR Act.

GRACE GRACE MP
MINISTER FOR EDUCATION AND
MINISTER FOR INDUSTRIAL RELATIONS

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