

Education Legislation Amendment 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 Legislation Amendment Regulation 2022* (the Amendment Regulation) made under the:

- *Education and Care Services Act 2013*;
- *Education (General Provisions) Act 2006*; and
- *Education (Queensland College of Teachers) Act 2005*.

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

Changes to fees and charges

The *Queensland Government Principles for Fees and Charges* requires agencies to set fees and charges to accurately reflect the cost of providing their services, and to ensure fees and charges maintain their value over time. Best practice is for agencies to review their fees and charges annually or, at a minimum, every three years. Where a regular comprehensive review of fees and charges is not cost effective or no specific indexation method has been otherwise approved, agencies are required to apply the current Government Indexation Rate (GIR) as advised by Queensland Treasury annually.

The Queensland Government has implemented a new policy in relation to the annual indexation of fees and charges. The *Acts Interpretation Act 1954* was amended in 2021 to allow for a fee unit model, which replaced the previous system of prescribing and indexing fees as dollar values in legislation. All prescribed fees that are subject to GIR are to be expressed as fee units in their relevant legislation. The dollar value of the fee unit is prescribed in the *Acts Interpretation (Fee Unit) Regulation 2022* (AIR). The dollar value of the fee in legislation is calculated by multiplying the fee unit value in the AIR with the fee unit value in the respective legislation.

There are a number of fees in the Education portfolio legislation that are not in scope of the GIR, and therefore continue to be prescribed as dollar values rather than being stated as a fee unit. The objective of the Amendment Regulation is to amend the particular fees that are not in scope of the GIR, in accordance with government policy:

- fees and charges prescribed in the *Education and Care Services Regulation 2013* (ECS Regulation); and

- the criminal history check fee under the *Education (General Provisions) Regulation 2013* (EGP Regulation) and the *Education (Queensland College of Teachers) Regulation 2016* (QCT Regulation) in accordance with advice from the Queensland Police Service.

Amendments relating to meetings for the formation of parents and citizens' (P&C) associations

The objective of the Amendment Regulation is also to clarify that communication technology can be used to enable the holding of, and attendance at, a meeting for the formation of a P&C association. This amendment is consistent with amendments made to the *Education (General Provisions) Act 2006* (EGP Act) in the *Trading (Allowable Hours) and Other Legislation Amendment Act 2022* to clarify that communication technology may be used to enable attendance at P&C association meetings required under the EGP Act.

Human Rights Issues

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

Changes to fees and charges

In my opinion the amendments to fees and charges in the Amendment Regulation do not engage or limit any human rights.

Amendments relating to meetings for the formation of P&C associations

In my opinion, the human right relevant to the amendments made by the Amendment Regulation to provisions for the formation of P&C associations is the right to taking part in public life (section 23 of the HR Act). The Amendment Regulation does not limit the right, but positively engages the right, as discussed below.

The right to taking part in public life affirms the right of all persons, without discrimination, to participate in the conduct of public affairs. It ensures all persons have the opportunity to contribute to the political process and public governance, directly or through freely chosen representatives. This also extends to being part of community consultations with government, attending local council meetings, participating in public debate, and taking part in referendums or other electoral processes which are all important aspects of taking part in public life.

This right is relevant to the proposed amendment to the EGP Regulation to make it clear that meetings for the formation of a P&C association, may be conducted via communication technology rather than physical attendance. This means a person eligible to attend such a meeting may attend from anywhere that they have access to communication technology, such as their own home, therefore positively engaging the right to taking part in public life.

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

The Amendment 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 Legislation Amendment 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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