

Education (General Provisions) (Corymbia State School) Amendment Regulation 2024

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, Di Farmer MP, Minister for Education and Minister for Youth Justice, provide this human rights certificate with respect to the *Education (General Provisions) (Corymbia State School) Amendment Regulation 2024* (Amendment Regulation) made under sections 419A and 434 of the *Education (General Provisions) Act 2006* (EGP 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

To ensure access to a quality kindergarten program in the year before full-time school, the Queensland Government offers State Delivered Kindergarten (SDK) programs where there is market failure, unique challenges experienced by families in accessing kindergarten or non-viability in geographically isolated communities. Challenges include limited market viability or market failure evidenced by low kindergarten participation in existing services available in a community, large distances, low and variable populations, geographic isolation, difficulties in attracting and retaining qualified staff and increasing cost of living.

The prescription of State schools that provide kindergarten programs in the *Education (General Provisions) Regulation 2017* (EGP Regulation) is necessary because State schools are defined in Schedule 4 Dictionary of the EGP Act to mean an educational institution established under section 13 of the EGP Act. Section 13 of the EGP Act provides the Minister may establish schools at which the State provides primary, secondary or special education, but makes no reference to kindergarten programs.

Section 419A of the EGP Act enables the Minister to 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 EGP Regulation for the school to commence to deliver a kindergarten learning program.

Section 74 of the EGP Regulation provides the State schools mentioned in Schedule 4 of the EGP Regulation, are the State schools prescribed for section 419A(5) of the EGP Act. With the prescription of Corymbia State School there will be 110 prescribed State schools under Schedule 4 of the EGP Regulation.

The Queensland Government is committed to ensuring that children in rural and remote areas, or areas where there are barriers accessing a kindergarten program, are not disadvantaged, and have access to an approved kindergarten program provider as a prescribed school for the purposes of providing an SDK program.

Barriers to kindergarten access considered in the decision to include SDK in the Corymbia State School site included cost, lack of culturally inclusive programs and low kindergarten

participation compared to the Queensland average. For example, in 2020, the kindergarten participation rate in Logan Reserve, a high population growth area experiencing material demographic change, was reported to be 68%, well below the target of 95%. The significantly lower kindergarten participation rate evidenced an issue that the market was not sufficiently engaging families in kindergarten, suggesting a need for a bespoke, place-based response to lift kindergarten participation.

In 2023, at 73.6%, the overall kindergarten participation rate for the Boronia Heights–Park Ridge and other neighbouring statistical areas remained lower than the Queensland average of 85% and target of 95%. A targeted place-based response to engage families in a community with complex challenges will complement the introduction of free kindergarten to strengthen kindergarten participation in the community.

The FamilyLinQ integrated hub initiative integrates both government and community services to support children, students and families in a safe and welcoming space as they grow, learn and thrive.

FamilyLinQ will provide a soft-entry approach to an alternative free kindergarten option provided by the local school for families in the Corymbia State School catchment choosing not to access programs through existing kindergarten program providers, as is evidenced by low participation rates. Connecting families in the local catchment area to SDK will address barriers to kindergarten participation under a bespoke delivery model, support continuity of learning in the early years and provide enhanced educational outcomes for children in the community.

The Amendment Regulation will ensure that children residing in the Corymbia State School catchment area have access to an alternative free kindergarten program option under a bespoke delivery model to support a continued upward trajectory in kindergarten participation. A responsive approach to kindergarten delivery will lift kindergarten participation to strengthen protective factors in the early years, ensuring local children have a positive and confident transition to school and a strong start to their education.

Consequently, Corymbia State School is eligible to deliver an SDK program under the community access criterion and as part of the FamilyLinQ initiative to lift kindergarten participation.

The Amendment Regulation is made under and pursuant to sections 419A and 434 of the EGP Act, to prescribe Corymbia State School to deliver a kindergarten program.

Human Rights Issues

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

The Amendment Regulation engages the *right to recognition and equality under the law*, section 15 of the HR Act.

Section 15 – right to recognition and equality under the law

- The right to recognition and equality under the law is a stand-alone right that also permeates all human rights. It encompasses both the right to recognition as a person before the law and the right to enjoy human rights without discrimination.

- The right to recognition as a person before the law refers to the universal recognition of legal personality of the human being.
- The right to equality reflects the essence of human rights, that every person holds the same human rights by virtue of being human and not because of some particular characteristics or membership of a particular social group.
- The Amendment Regulation supports, promotes and strengthens the right to equality by ensuring the community has access to a kindergarten learning program that would otherwise not be readily accessible.
- On this basis, the Amendment Regulation enhances human rights under the HR Act and is compatible with the *right to recognition and equality under the law*.

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 (General Provisions) (Corymbia State School) Amendment Regulation 2024* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

DI FARMER MP
MINISTER FOR EDUCATION
MINISTER FOR YOUTH JUSTICE