

# Education Legislation (Fees) 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*, I, John-Paul Langbroek MP, Minister for Education and the Arts, provide this human rights certificate with respect to the *Education Legislation (Fees) Amendment Regulation 2024* made under the *Education (General Provisions) Act 2006* and the *Education (Queensland College of Teachers) Act 2005*.

In my opinion, the *Education Legislation (Fees) Amendment Regulation 2024* is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The fee unit model, introduced in 2021, replaced the majority of regulatory fees from dollar amounts to a number of fee units, known as in-scope fees. The in-scope fees are captured by the Government's indexation policy under Queensland Treasury's *Principles for Fees and Charges* (Fees and Charges Policy) and use the Government Indexation Rate (GIR) to index fees. The majority of fees in the education portfolio regulations are in-scope fees subject to the Government's indexation policy.

However, a number of regulatory fees in the education portfolio are not subject to the fee unit model are not indexed in line with GIR (known as not in-scope fees). These not in-scope fees in the education portfolio are instead prescribed as dollar values which are maintained and modified as per standard regulation amendment procedure.

The criminal history check (CHC fee) in the education portfolio under the *Education General Provisions Regulation 2017* (EGP Regulation) and *Education (Queensland College of Teachers) Regulation 2016* (QCT Regulation), is a not in-scope fee and is maintained as a dollar value, notwithstanding the introduction of the fee unit model. The CHC fee reflects a value which is advised by the Queensland Police Service (QPS).

The QPS undertakes criminal history checks on behalf of government agencies in Queensland as part of the nationally coordinated criminal history check with the Australian Criminal Intelligence Commission (ACIC) under the *Australian Crime Commission Act 2002 (Cth)* and *Australian Crime Commission (National Policing Information Charges) Act 2016 (Cth)*.

The CHC fee charged by QPS comprises the QPS processing fee component and the ACIC fee component, with the fee value for each component determined by the respective entity. The prescribed CHC fee in the EGP Regulation and QCT Regulation reflects the exact amount charged by the QPS to undertake a criminal history check.

From 1 July 2024, the ACIC fee component in the CHC fee increased pursuant to the *Australian Crime Commission (National Policing Information Charges) Determination 2024* (Determination) that was made under the *Australian Crime Commission (National Policing Information Charges) Act 2016 (Cth)* to increase the charge for a Nationally Coordinated Criminal History Check provided to the Australian Federal Police or a police force of a State or Territory.

The objective of the *Education Legislation (Fees) Amendment Regulation 2024* is to amend the CHC fee prescribed in the education portfolio under the EGP Regulation and QCT Regulation to maintain currency with the fee as advised by the QPS.

## **Human Rights Issues**

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

In my opinion, the amendments in the Amendment Regulation do not engage or limit any human rights.

### **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 *Human Rights Act 2019*. Therefore, it is not necessary to consider section 13 of the *Human Rights Act 2019*.

## **Conclusion**

I consider that the *Education Legislation (Fees) Amendment Regulation 2024* is compatible with the *Human Rights Act 2019* as it does not raise any human rights issues.

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