



QUEENSLAND PARLIAMENT **COMMITTEES**

**Report on subordinate legislation tabled between 27 August 2025 and
16 September 2025**

Education, Arts and Communities Committee



Report No. 10

58th Parliament, November 2025

Overview

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 27 August 2025 and 16 September 2025. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).¹

The report also notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (HRA)² and the human rights certificate tabled with the subordinate legislation.³

Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
112	Education (Queensland Curriculum and Assessment Authority) Regulation 2025	16 September 2025	11 December 2025
113	Education (Capital Assistance) Regulation 2025	16 September 2025	11 December 2025

* Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

Committee consideration of the subordinate legislation

Committee Comment	
	The committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, the lawfulness of the subordinate legislation or non-compliance with the HRA. The committee considers that the explanatory notes tabled with the subordinate legislation noted in this report comply with the requirements of section 24 of the LSA, which includes advice about consultation, and that the human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with the HRA.

¹ *Legislative Standards Act 1992* (LSA), Part 4. See also, LSA s 4.

² *Human Rights Act 2019* (HRA), ss 8, 13.

³ HRA, s 41.

1. SL No. 112 – Education (Queensland Curriculum and Assessment Authority) Regulation 2025

The Education (Queensland Curriculum and Assessment Authority) Regulation 2014 (2014 Regulation), which details how the Queensland Curriculum and Assessment Authority (QCAA), performs its functions under the *Education (Queensland Curriculum and Assessment Authority) Act 2014* (QCAA Act), expired on 31 August 2025 under the requirements of the *Statutory Instruments Act 1992*.⁴

The Education (Queensland Curriculum and Assessment Authority) Regulation 2025 (SL No. 112), commencing on 1 September 2025,⁵ replaces the expiring 2014 Regulation to ‘allow the QCAA to continue to perform its functions effectively under the QCAA Act and ensure a quality education system in Queensland’.⁶

According to the explanatory notes, SL No. 112 makes ‘minor amendments ... to improve effectiveness, clarify intent’, and modernise ‘language in accordance with contemporary drafting processes’.⁷ Amongst other things, the amendments:

- lengthen timeframes to allow longer periods for specified applications to be made⁸
- remove minor regulatory processes to reduce unnecessary requirements and to improve flexibility and fairness⁹
- include academic integrity requirements for a person’s eligibility for a Queensland Certificate of Education (QCE), to address changes in technology and artificial intelligence and in accordance with consultation outcomes¹⁰
- update existing provisions in accordance with modern drafting principles by restructuring, reordering or rewording sections, whilst retaining their intent, and by renumbering provisions¹¹
- make consequential amendments to the Acts Interpretation (Fee Unit) Regulation 2022 and the Education (Accreditation of Non-State Schools) Regulation 2017 to update references to the 2014 Regulation to reflect SL No. 112.¹²

⁴ The 2014 Regulation was due to expire on 31 August 2024 but was extended for 12 months under section 56A of the *Statutory Instruments Act 1992*, as replacement subordinate legislation was being drafted. SL No. 112, explanatory notes, pp 1, 2.

⁵ SL No. 112, s 2.

⁶ SL No.112, explanatory notes, p 4.

⁷ The Department of Education’s sunset review of the 2014 Regulation determined that that a regulation is still required. SL No.112, explanatory notes, p 2.

⁸ SL No. 112, ss 78, 85; SL No. 112, explanatory notes, p 3.

⁹ SL No. 112, explanatory notes, p 3.

¹⁰ SL No.112, explanatory notes, p 3.

¹¹ These changes are intended to ‘improve overall clarity, support consistency with the QCAA Act, align with human rights and natural justice principles, and provide for transitional amendments to allow for QCAA operations to continue effectively during the’ transition from the 2014 Regulation to SL No. 112. SL No.112, explanatory notes, p 4.

¹² SL No.112, explanatory notes, p 4.



1.1 Explanatory notes and FLP

The QCAA Act provides that the QCAA may make guidelines about its functions. SL No. 112 requires the QCAA to make guidelines on various matters, such as:

- the criteria to be applied to moderate school-based assessment¹³
- the literacy, numeracy and academic integrity requirements for QCE eligibility¹⁴
- categories of, and criteria for, contributing studies.¹⁵

Whether subordinate legislation has sufficient regard to the institution of Parliament depends on whether the subordinate legislation allows the sub-delegation of a power delegated by an Act only:

- if authorised by an Act, and
- in appropriate cases and to appropriate persons.¹⁶

The significance of dealing with such matters other than by subordinate legislation (such as through guidelines) is that guidelines are not subject to the tabling and disallowance provisions in the *Statutory Instruments Act 1992* and changes to the documents are not subject to parliamentary oversight.¹⁷

In considering whether it is appropriate for matters to be dealt with in a document that is not subject to parliamentary scrutiny, committees have considered the importance of the subject dealt with, the commercial or technical nature of the subject matter, and the practicality of including those matters entirely in subordinate legislation.

According to the explanatory notes, the guidelines deal with highly technical and detailed matters requiring frequent updating,¹⁸ and courses requiring modification from year to year to address technological changes.¹⁹

Noting the technical and changing nature of the content of the guidelines, that the guidelines are developed by an appropriate body (the QCAA), and the availability of copies of the guidelines, the committee is satisfied that SL No. 112 has sufficient regard to the rights and liberties of individuals.

The explanatory notes comply with part 4 of the LSA.

¹³ That is, a moderation guideline. SL No. 112, s 93.

¹⁴ SL No. 112, s 99.

¹⁵ SL No. 112, s 105.

¹⁶ LSA, s 4(5)(e).

¹⁷ See, *Statutory Instruments Act 1992*, s 50.

¹⁸ The QCAA must manage and monitor over 170,000 samples of work, more than 150,000 student accounts, and extensive lists of contributing studies. SL No. 112, explanatory notes, p 6.

¹⁹ SL No. 112, explanatory notes, p 6.



1.2 Human Rights Act 2019

The committee is satisfied that the subordinate legislation is compatible with human rights.²⁰

1.3 Human Rights Certificate

The human rights certificate tabled with SL No. 112 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

2. SL No. 113 – Education (Capital Assistance) Regulation 2025

The *Education (Capital Assistance) Act 1993*, together with the former Education (Capital Assistance) Regulation 2015 (the 2015 Regulation), authorised the provision of capital assistance to eligible non-state schools, based on need for capital projects that consisted of work for educational facilities, boarding facilities or residential accommodation for teachers in remote areas.²¹

The 2015 Regulation automatically expired on 1 September 2025²² and the Education (Capital Assistance) Regulation 2025 (SL No. 113) replaces the 2015 Regulation. The matters contained in SL No. 113 include:

- dates for notice to be given to approved authorities
- information to be provided in or with an application for capital assistance
- prescribed criteria for assessment of applications
- dates for recommendation and return to be given to the Minister.²³

According to the explanatory notes, the Department of Education undertook a sunset review of the 2015 Regulation (which included targeted consultation with key stakeholders²⁴) and it was determined that the 2015 Regulation be remade. The matters prescribed remained relevant and only minor amendments were made which did not include changes to policy.²⁵

²⁰ Section 8 of the HRA provides that a statutory provision is compatible with human rights if the provision does not limit a human right or limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA. Section 13 of the HRA provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

²¹ SL No. 113, explanatory notes, pp 1-2.

²² SL No. 113, explanatory notes, p 2; *Statutory Instruments Act 1992*, s 54.

²³ SL No. 113, explanatory notes, p 2.

²⁴ The Capital Assistance Authorities; namely, the Independent Schools Queensland Block Grant Authority and the Queensland Catholic Capital Assistance Authority, nominated by the Association of Independent Schools of Queensland Inc. and the Queensland Catholic Education Commission, respectively. SL No. 113, explanatory notes, p 2.

²⁵ SL No. 113, explanatory notes, p 2.



2.1 Explanatory notes and FLP

No issues of fundamental legislative principle were identified. The explanatory notes comply with part 4 of the LSA.



2.2 Human Rights Act 2019

The committee is satisfied that the subordinate legislation is compatible with human rights.²⁶

2.3 Human Rights Certificate

The human rights certificate tabled with SL No. 113 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.



Recommendation 1

The committee recommends that the Legislative Assembly note this report.

Nigel Hutton MP

Chair

Education, Arts and Communities Committee

Chair Nigel Hutton MP, Member for Keppel

Deputy Chair Corrine McMillan MP, Member for Mansfield

Members Wendy Bourne MP, Member for Ipswich West

Nicholas (Nick) Dametto MP, Member for Hinchinbrook (until 13 October 2025)

Hon Michael (Mick) de Brenni MP, Member for Springwood (from 14 October 2025)

Ariana Doolan MP, Member for Pumicestone

Jon Krause MP, Member for Scenic Rim

²⁶ Section 8 of the HRA provides that a statutory provision is compatible with human rights if the provision does not limit a human right or limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA. Section 13 of the HRA provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.