



QUEENSLAND PARLIAMENT **COMMITTEES**

**Report on subordinate legislation tabled between 19 February 2025
and 4 March 2025**

Education, Arts and Communities Committee



Report No. 4

58th Parliament, May 2025

Overview

This report summarises the committee’s findings following its examination of the subordinate legislation within its portfolio areas tabled between 19 February 2025 and 4 March 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 certificates tabled with the subordinate legislation.³

Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
N/A	Education and Care Services National Amendment (Transitional Provisions) Regulations 2024	4 March 2025	11 June 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



Unless noted below, 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.

Similarly, unless noted below, 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 their compatibility with the HRA.

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

² *Human Rights Act 2019*, ss 8, 13.

³ *Human Rights Act 2019*, s 41.

1 Education and Care Services National Amendment (Transitional Provisions) Regulations 2024

[Note: This item does not form part of the usual numbered subordinate legislation (SL) series.]

Commencing in 2012, the National Quality Framework (NQF) aims to standardise early childhood education, care, and outside hours care services throughout Australia. This is achieved through the *Education and Care Services National Law* (National Law) and the Education and Care Services National Regulations (National Regulations).

The Education and Care Services National Amendment (Transitional Provisions) Regulations 2024 (amendment regulations) amend transitional provisions in the National Regulations. These changes:

- extend regulation 239A(1), relating to the attendance of early childhood teachers in centre-based services in remote and very remote areas of New South Wales (NSW), the Northern Territory (NT), South Australia (SA), Tasmania and Western Australia (WA), to 31 December 2026
- remove reference to 'regulation 240' in regulation 239A(5) as regulation 240 will expire on 31 December 2024
- extend regulation 242(1), relating to persons taken to be early childhood teachers in the Australian Capital Territory (ACT), NSW, the NT, SA, Tasmania and WA, to 31 December 2026
- extend regulation 264(1), an ACT specific provision that relates to the general qualifications of educators in centre-based services, to 31 December 2027
- provide for the expiration (without further extension) of regulation 240, relating to the qualifications of educators in centre-based services in remote and very remote areas of SA, Tasmania and WA, on 31 December 2024.⁴

1.1 Legislative background

The amendment regulations were made under the National Law.⁵

As required by the National Law, the amendment regulations were published on the New South Wales legislation website.⁶

1.2 Tabling and disallowance

Section 303 of the National Law provides:

- Members of the Ministerial Council are required to make arrangements to table a regulation made under the National Law in their respective jurisdiction
- A committee of the Parliament of a participating jurisdiction may consider, and report to the Parliament about, the regulation in the same way the committee may

⁴ Amendment regulations, sch 1; amendment regulations, human rights certificate, pp 1-2.

⁵ See National Law, ss 301, 324; amendment regulations, human rights certificate, p 1.

⁶ The amendment regulations were published on 13 December 2024: New South Wales, Statutory instrument 2024-658. See National Law, s 302.

consider and report to the Parliament about regulations made under Acts of that jurisdiction

- A regulation made under the National Law may be disallowed in a participating jurisdiction by the Parliament of that jurisdiction in the same way, and within the same period, that a regulation made under an Act of that jurisdiction may be disallowed
- A regulation disallowed under this process does not cease to have effect in any participating jurisdiction (including Queensland), unless the regulation is disallowed in a majority of the participating jurisdictions.⁷



1.3 Explanatory notes and FLP

Due to the nature of the National Law, explanatory notes were not required. Because no explanatory notes were tabled with the amendment regulations, there was no assessment provided of the consistency of the regulations with fundamental legislative principles.

After analysing the amendment regulations, the committee is satisfied that no issues of fundamental legislative principles were identified in relation to the amendment regulations, which apply to transitional provisions that do not relate to Queensland.⁸



1.4 Human Rights Act 2019

The committee is satisfied that the amendment regulations are compatible with human rights.⁹

1.5 Human Rights Certificate

Section 41 of the HRA requires that the responsible Minister for the subordinate legislation must prepare a human rights certificate for the legislation. In the human rights certificate accompanying the subordinate legislation, the Minister concluded that the amendment regulations do not apply to Queensland, so therefore do not engage the *Human Rights Act 2019*, nor have any human rights impacts in Queensland.¹⁰

⁷ If a regulation is disallowed in a majority of the participating jurisdictions, it ceases to have effect in all participating jurisdictions on the day of its disallowance in the last of the jurisdictions forming the majority. National Law, s 303(5).

⁸ Amendment regulations, human rights certificate, p 2.

⁹ Section 8 of the HRA relevantly 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.

¹⁰ Amendment regulations, human rights certificate, p 3.



Recommendation 1

The committee recommends that the Legislative Assembly note this report.

Nigel Hutton MP

Chair

Education, Arts and Communities Committee

Chair

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