

# Summary Impact Analysis Statement

## Education (Queensland Curriculum and Assessment Authority) Regulation 2025

### Details

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|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lead department                                       | Department of Education                                                                                                                                                                      |
| Submission type                                       | Summary IAS                                                                                                                                                                                  |
| Name of the proposal                                  | <i>Education (Queensland Curriculum and Assessment Authority) Regulation 2025</i>                                                                                                            |
| Title of related legislative or regulatory instrument | <i>Education (Queensland Curriculum and Assessment Authority) Regulation 2014 (QCAA Regulation)</i><br><i>Education (Queensland Curriculum and Assessment Authority) Act 2014 (QCAA Act)</i> |
| Date of issue                                         | 14 August 2025                                                                                                                                                                               |

### What is the nature, size and scope of the problem? What are the objectives of government action?

#### Summary

It is proposed to remake the *Education (Queensland Curriculum and Assessment Authority) Regulation 2014* (current Regulation) to enable the Queensland Curriculum and Assessment Authority (QCAA) to continue its functions in relation to supporting curriculum and assessment in the Queensland education framework.

#### Current legislative frameworks

The QCAA is a statutory body of the Queensland Government. It was established on 1 July 2014 by the *Education (Queensland Curriculum and Assessment Authority) Act 2014* (QCAA Act), replacing the Queensland Studies Authority. The QCAA performs an important role in ensuring consistent and quality education in Queensland schools.

While the QCAA Act provides for the functions and establishment of the QCAA, details in relation to how the QCAA performs its functions are provided for in the *Education (Queensland Curriculum and Assessment Authority) Regulation 2014* (current Regulation). Section 92 of the QCAA Act provides that regulations may be made about a range of matters relating to the QCAA's functions, including:

- the issuing of certificates of achievement and statements of results, including eligibility requirements for the issue of the certificates and statements;
- the accreditation by the authority of kindergarten guidelines for implementation in education and care services;
- the assessment of students for senior subjects;
- procedures and arrangements for moderation;
- deciding the equivalence, in the State, of a level of school education reached, or a school qualification obtained, by a person at an educational institution established outside the State;
- the verification of information contained in a certificate of achievement, or a statement of results issued to a person;
- the opening, closing and recording of information in a student account for a person;
- the obligation of entities to provide information to the authority for recording in a student account;
- the disclosure of information recorded in a student account for a person or aggregated student account information;
- fees, including the refunding of fees, under the QCAA Act.

The current Regulation commenced in 2014 and was substantially amended in 2019 to prescribe QCAA the powers to administer a new senior assessment and tertiary entrance system (new SATE system), starting with students entering Year 11 in 2019 and remove redundant provisions that were no longer required following the introduction of the new SATE system. The introduction of the new SATE system required new fees for additional services provided by the QCAA, increases in certain existing fees to represent full cost recovery, and removal of fees for discontinued services.

### **Identification of the problem and justification for proposed amendments**

The current Regulation was due to expire on 31 August 2024 in accordance with section 54 of the *Statutory Instruments Act 1992* (SIA) but was exempted from expiry until 31 August 2025 under section 56A of the SIA, as replacement subordinate legislation was being drafted.

In anticipation of the current Regulation's expiry, the Department of Education (the department) completed a sunset review of the current Regulation to evaluate its continuing relevance, effectiveness and efficiency, including broad consultation with stakeholders, as outlined below.

The sunset review determined that a Regulation is still required, with a number of minor amendments identified to improve its effectiveness, clarify intent and modernise language in accordance with contemporary drafting processes.

Without a new Regulation, the QCAA will lack an essential tool in the operation of its normal functions and would be unable to effectively deliver its services. Providing for effective curriculum and assessment is essential to ensuring a quality education system. Education is a key element in ensuring informed and engaged citizens within a democratic society.

The policy objectives of the legislation are to provide for an effective regulatory framework, through updated subordinate legislation, to enable the QCAA to perform its functions under Part 2 of the QCAA Act. In performing its functions, the QCAA can give effect to the objects of the QCAA Act, which are to:

- help schools achieve quality learning outcomes for their students;
- help approved providers of education and care services to achieve quality learning outcomes for children who attend the services;
- provide accurate and informative records of student achievement, including through the production of certificates of achievements and statements of results; and
- maintain public confidence in certificates of achievement and statements of results developed and administered by the authority.

### **What options were considered?**

Four options were considered.

**Option 1** – Allow current Regulation to expire.

**Option 2** – Remake the Regulation with no changes.

**Option 3** – Remake the Regulation with minor changes to reflect contemporary challenges and ensure effectiveness of the legislation.

**Option 4** – Remake the Regulation with significant changes to structures and content.

### **What are the impacts?**

#### **Option 1 – Allow the current Regulation to expire**

In accordance with section 54 of the SIA, the current Regulation will expire on 31 August 2025 unless remade. In anticipation of the current Regulation's expiry, the department completed a sunset review of the current Regulation to evaluate its continuing relevance, effectiveness and efficiency, including broad consultation with stakeholders.

The QCAA is established by the QCAA Act. The Regulation provides for processes related to the QCAA performing its functions. Without the Regulation, the QCAA would still exist and would still be required to perform its functions under the QCAA Act, but there would be less transparency and clarity for the QCAA and stakeholders as to how these functions would be performed. Fees that are currently collected to support QCAA processes would also not be prescribed, adversely impacting the financial viability of the QCAA.

The regulatory requirements imposed by the Regulation are minimal and relate to schools supporting the QCAA in performing their moderation functions, and processes relating to examinations and accreditation of kindergarten guidelines.

The QCAA provides curriculum and assessment services to schools and Queenslanders to support tertiary entrance, the issue of certificates of education achievement and ensure quality curriculum. The Regulation provides transparency and clarity as to how the QCAA provides these services. As a statutory entity, it is important that legislation is clear about how the QCAA performs its functions.

Consultation with stakeholders demonstrated that a Regulation continues to be necessary. No stakeholder considered that the Regulation was not required. The impacts of not having a Regulation would be increased ambiguity for schools, kindergartens, students and their parents in relation to assessment and curriculum, the maintenance of student accounts and the issue of certificates of achievement, tertiary entrance, and the role of the QCAA.

The current Regulation imposes no requirements involuntarily on stakeholders, but rather apply when a person or a school is already a participant in the education process, such as seeking tertiary entrance or a Queensland Certificate of Education (QCE).

Therefore, it was determined that Option 1 would not provide the necessary regulatory support for the QCAA nor transparency for stakeholders in Queensland's education system.

### **Option 2 – Remake the Regulation with no changes**

The current Regulation was made in 2014 and was substantially amended in 2019 to prescribe QCAA the powers to administer a new senior assessment and tertiary entrance system (new SATE system), starting with students entering Year 11 in 2019 and remove redundant provisions that were no longer required following the introduction of the new SATE system. The introduction of the new SATE system required new fees for additional services provided by the QCAA, increases in certain existing fees to represent full cost recovery, and removal of fees for discontinued services.

In reviewing the Regulation, the department, in consultation with stakeholders including the QCAA, identified minor improvements to improve the Regulation. These included adjusting prescribed timeframes to better reflect QCAA processes, removing some outdated requirements (particularly in relation to personal information to be shared for student accounts) and improved the clarity of the legislation (either in its structure and wording).

Additionally, there have been significant changes in technology in the last 10 years, notably the development of Artificial Intelligence (AI) programs readily available to the public. Without amendment to the Regulation to reflect these changes, the Regulation will lose effectiveness. The QCAA, and a broad range of other stakeholders, supported change to the Regulation to address AI.

While the impact of this option would be less than the impact of option 1 on stakeholders, the static nature of retaining the Regulation unchanged, given the changes in the educational environment, would reduce the Regulation's effectiveness. This will negatively impact the educational framework in Queensland, by reducing the transparency and clarity of the QCAA's operations, and also not addressing the new technology of AI.

Option 2 was not considered to be an effective outcome for the QCAA or education stakeholders.

### **Option 3 – recommended option – remake the Regulation with minor changes to reflect contemporary challenges and ensure effectiveness of the legislation**

As noted in the analysis for Options 1 and 2, a Regulation prescribing QCAA processes is an important element of the Queensland regulatory framework. Additionally, as discussed in the analysis for Option 2, improvements to the Regulation were identified by the QCAA in the review process. Also, new developments in AI are a significant challenge to ensuring integrity in assessment of student work.

For these reasons, a remade Regulation incorporating minor changes to reflect contemporary challenges and ensure the legislation is effective and contemporary is important to maintaining an effective education system in Queensland. This option is close to retaining the status quo, as it keeps a Regulation in place, but ensures it reflects the current educational environment, in the same way that the current Regulation was drafted in 2014, with changes in 2019. For this reason, this option has the least impact on stakeholders.

Desired changes were identified by stakeholders, particularly the QCAA, but also the non-state school sector. These proposed changes related to improving QCAA operational processes and ensuring the clarity of the Regulation to remove potential ambiguities.

It imposes only one additional regulatory requirement to the current Regulation in relation to the completion of an academic integrity course to be eligible for a QCE. This only applies to persons who wish to receive a QCE, and the impact is minimal, as the course is provided by the QCAA and takes a few hours to complete. In most cases, it will be done during school hours (currently most schools have students do it in Year 12 to support their studies, though there is not a regulatory requirement in place).

Option 3 is considered to provide the optimal balance between setting a regulatory framework and providing the QCAA and education stakeholders with transparent and robust processes to support Queensland's education system effectively and efficiently.

#### **Option 4 – Remake Regulation with significant changes to structures and content**

In remaking the current Regulation, an option was considered to undertake a major reworking of the Regulation, if consultation and review identified it was necessary, within the scope of the authority of the QCAA Act.

During consultation with the QCAA and stakeholders, no major issues were identified with the Regulation. As the review identified that the current Regulation is providing an appropriate regulatory framework, subject to minor improvements, it was determined that significant changes to structure and content were unnecessary.

Accordingly, Option 4 was not deemed to provide the best outcomes for the QCAA, stakeholders or government.

#### **Who was consulted?**

In 2023, the department commenced consultation with the QCAA on the current Regulation under a sunset review.

Between September and October 2023, key stakeholders were consulted. This included engagement with education teachers' unions, principals' associations, non-state schools (including the Queensland Catholic Education Queensland and Independent Schools Queensland), the then Department of Youth Justice, Employment, Small Business and Training (DYJESBT), parents' associations, early childhood operators and universities.

During consultation, minor amendments were identified to clarify QCAA roles, the intent of provisions and for timeframes to allow the QCAA to effectively perform its functions. All amendments identified have been reflected in the Regulation.

Additionally, to address changes in technology and AI, the QCAA conducted consultation in 2023 in relation to options to ensure academic integrity. The proposed model requiring completion of an academic integrity course a mandatory prerequisite for eligibility of a QCE was supported by the majority of stakeholders and is included in the Regulation.

Section 92 of the QCAA Act requires that, before recommending to the Governor in Council the making of a regulation about particular matters relating to the disclosure of information and fees, the Minister must consult with Independent Schools Queensland (ISQ), the Queensland Catholic Education Commission (QCEC) and the training chief executive (currently the chief executive of the Department of Trade, Employment and Training (DTET), formerly DYJESBT).

These stakeholders were consulted in July 2025 on an Exposure Draft of the Regulation. ISQ, QCEC and DTET did not raise any issues in relation to the Exposure Draft of the Regulation. The QCEC explicitly reiterated support for the requirement to make an academic integrity course a mandatory prerequisite for eligibility of a QCE. ISQ noted that it would consult with QCAA on what courses would constitute an equivalency with the QCAA academic integrity course.

Stakeholders support the proposed Regulation.

### What is the recommended option and why?

**Option 3** is the recommended option because it will provide a more efficient and safeguarded process for facilitating student access to approved online services to support digital learning and their engagement with a school. In an increasingly digital environment, it is essential to balance the provision of online services with measures to protect students and reduce the risk of information mismanagement.

The amendments will also reduce administrative burden associated with managing consent, including for parents and students, while ensuring privacy protections for student information in the ways outlined above.

### Impact assessment

|                                         | First full year                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | First 10 years** |
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| <b>Direct costs – Compliance costs*</b> | <p>The QCCA is a statutory authority, established under the QCAA Act. The majority of the Regulation provides for how the QCAA will meet its statutory obligations. The QCAA's operational costs are provided under <i>Government costs</i> section below.</p> <p>The complexity of the education regulatory framework does not support quantitative assessment of costs to individual schools or broader sectors. Provision of education is a key component of a democratic society and the right to education is provided for under the <i>Human Rights Act 2019</i>. The QCAA Regulation is part of a broader regulatory framework for schools.</p> <p>Estimating direct costs to schools is extremely difficult, given that schools are established under other legislation, and most regulatory requirements under the QCAA Regulation form the everyday operations of a school, which are also provided for under other legislation, including the <i>Education (General Provisions) Act 2006</i> and the <i>Education (Accreditation of Non-State Schools) Act 2017</i>. Therefore, extracting costs solely attributed to the QCAA Regulation is not possible.</p> <p>Any regulatory requirements imposed by the Regulation on schools and other education providers relate to the provision of information to input data or assessment to allow for QCAA operations for independent assessment and curriculum services, for example moderation and notification of results for all subjects.</p> <p>There is also a significant variation between schools across the State (e.g. differences in enrolment numbers, staffing and administrative capacity) which means a quantitative assessment for the schooling sector is not viable.</p> <p>Additionally, it is the QCAA Act that imposes most obligations (and therefore compliance costs), while the Regulation provides detail about how to comply with obligations. The QCAA Act would still impose these obligations and associated costs without the Regulation.</p> <p>For these reasons, it is not possible or practical to accurately quantify compliance costs under the QCAA Regulation.</p> <p>It should be noted that the new Regulation is replacing the expiring Regulation. Schools are currently operating under the requirements in the new Regulation, and will not require any new staffing or processes to comply.</p> | NA               |

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| <p><b>Direct costs – Government costs</b></p> | <p>As noted above, the QCAA is established under the QCAA Act. The QCAA will therefore exist and be required to be funded without the Regulation. However, the Regulation provides for a significant proportion of QCAA operations.</p> <p>The QCAA annual budget for 2025–26 is <b>\$98,576,000</b>, noting that the costs created by the Regulation would be less than this. It is not possible to identify the total cost as a consequence of the Regulation rather than a consequence of the Act, so the total operational cost is stated here.</p> | <p>The estimated direct cost over 10 years for the operations of the QCAA is <b>\$1,104,384,561</b> (inclusive of anticipated inflation).</p> |
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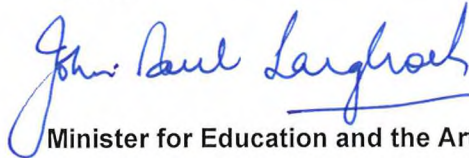
SIGNED



Director-General

Date: 14/08/2025

SIGNED



Minister for Education and the Arts

Date: 14/8 / 2025