



## Yvette Berry MLA

Deputy Chief Minister  
Minister for Early Childhood Development  
Minister for Education and Youth Affairs  
Minister for Housing and Suburban Development  
Minister for Women  
Minister for the Prevention of Domestic and Family Violence  
Minister for Sport and Recreation

Member for Ginninderra

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Mr Peter Cain MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)

[scrutiny@parliament.act.gov.au](mailto:scrutiny@parliament.act.gov.au)

Dear Mr Cain

I am writing in response to comments of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (the Committee) in Scrutiny Report 41 of 8 May 2022.

Thank you to the Committee for providing comments on SL2024-4 - Education Amendment Regulation 2024 (No 1).

### Explanatory Statement

I note the Committee's comments regarding there being no discussion within the Explanatory Statement of possible human rights issues, and on this basis the subordinate law does not meet the technical or stylistic standards expected by the Committee.

In light of the Committee's comments, the Explanatory Statement has been revised to reflect that the amendment to *Education Regulation 2005* does not engage human rights. It is attached to this letter for the Committee's consideration.

The Regulation Amendment is not a significant Regulation Amendment. It is unlikely to have significant engagement of human rights and therefore does not require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

I thank you for the opportunity to respond to the Committee's comments.

Yours sincerely

Yvette Berry MLA  
Minister for Education and Youth Affairs  
3 June 2024

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Australian Capital Territory

# Education Amendment Regulation 2024 (No 1)

Subordinate law SL2024-4

made under the **Education Act 2004**

## REVISED EXPLANATORY STATEMENT

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### OVERVIEW OF THE REGULATION AMENDMENT

The Education Directorate's (the Directorate) *Education Amendment Regulation 2024 (No 1)* will amend the *Education Regulation 2005 (the Regulation)*, a subordinate law under the *Education Act 2004*. The Regulation was last updated on 20 December 2022 through the *Education Amendment Bill 2022*.

Since its last update, it has been identified that two minor amendments are required. Firstly, Schedule 1 must be amended to include Evelyn Scott School and Shirley Smith High School, as the ACT's two newest high schools, and Section 96 must be amended to resolve a drafting error following amendments passed through the *Education Amendment Bill 2022*.

Schedule 1 must be updated to include the two new schools, as they are currently unable to appoint student members to their school board. Section 96 must be updated to clarify notifiable changes.

The original version of the explanatory statement did not include a statement regarding human rights. This version has been amended to include such a statement.

### CONSULTATION ON THE PROPOSED APPROACH

In developing the *Education Amendment Regulation 2024 (No 1)*, the Directorate consulted with PCO, Education and Care Regulation Support (ECRS) within the Directorate, and Evelyn Scott School.

### CONSISTENCY WITH HUMAN RIGHTS

The amendment to the Regulation does not engage human rights.

## CLAUSE NOTES

### **Clause 1    Name of Regulation**

This regulation is the *Education Amendment Regulation 2024 (No 1)*.

### **Clause 2    Commencement**

This clause enables the *Education Amendment Regulation 2024 (No 1)* to commence on the day after its notification day.

### **Clause 3    Legislation amended**

This clause identifies that the *Education Amendment Regulation 2024 (No 1)* amends the *Education Regulation 2005*.

### **Clause 4    Sections 6B (b) etc**

This clause clarifies the location of the campus.

### **Clause 5    Section 6C (d) and (e)**

Omit.

### **Clause 6    Schedule 1, part 1.1, new item 8A**

This clause inserts the new Evelyn Scott School to Schedule 1.

### **Clause 7    Schedule 1, part 1.1, new item 16A**

This clause inserts the new Shirley Smith High School to Schedule 1.