

2006

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Education and Training)

Education Amendment Bill 2006

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Education and Training)

Education Amendment Bill 2006

A Bill for

An Act to amend the *Education Act 2004*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Education Amendment Act 2006*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Education Act 2004*.

9 *Note* This Act also amends the *Education Regulation 2005* (see s 47).

10 **4 General principles of Act**
11 **Section 7 (1)**

12 *omit*

13 , or in the education of children of school age in the ACT,

14 *substitute*

15 , or in the school or home education of children in the ACT,

16 **5 Section 7 (3)**

17 *omit*

18 , or in the education of children of school age in the ACT,

19 *substitute*

20 , or in the school education of children in the ACT,

1 **6 Main objects of Act**
2 **Section 8 (a)**

3 *omit*

4 in relation to school education

5 *substitute*

6 in relation to education

7 **7 Section 8 (b)**

8 *omit*

9 compulsory school education

10 *substitute*

11 compulsory education

12 **8 Minister to seek advice**
13 **Section 19**

14 *relocate to division 3.5.3 as section 66*

15 **9 Education to be free**
16 **Section 26 (2) and (3)**

17 *substitute*

18 (2) However, the Minister may determine guidelines about charges for
19 activities, services and facilities provided in relation to a
20 government school.

21 (3) To remove any doubt, subsection (1) has effect subject to any
22 guideline in force under subsection (2).

23 (4) A determination is a disallowable instrument.

24 *Note* A disallowable instrument must be notified, and presented to the
25 Legislative Assembly, under the Legislation Act.

1 **26A Exceptions to s 26**

2 (1) Section 26 (1) does not apply—

3 (a) in relation to course money paid to a registered provider; or

4 (b) to people who hold a temporary visa under the *Migration*
5 *Act 1958* (Cwlth), section 30 (2).

6 (2) In this section:

7 *course money*—see the *Education Services for Overseas Students*
8 *Act 2000* (Cwlth), section 7.

9 *registered provider*—see the *Education Services for Overseas*
10 *Students Act 2000* (Cwlth), section 5.

11 **10 Definitions for pt 3.4**
12 **Section 37, definition of *prescribed period*,**
13 **paragraph (a) (i)**

14 *omit*

15 1 March

16 *substitute*

17 1 April

18 **11 Section 37, definition of *prescribed period*, paragraph (b)**

19 *omit*

20 February

21 *substitute*

22 March

1 **12 Declaration of parents and citizens associations in**
2 **certain circumstances**
3 **Section 40 (3)**

4 *omit*
5 subsection (2) or (3)
6 *substitute*
7 subsection (1) or (2)

8 **13 Section 40 (5)**

9 *omit*
10 under subsection (1)
11 *substitute*
12 under subsection (4)

13 **14 Section 41 heading**

14 *substitute*

15 **41 Composition of school boards generally**

16 **15 Section 41 (1) (b)**

17 *omit*
18 Constitution
19 *substitute*
20 Composition

1	16	Section 42 heading
2		<i>substitute</i>
3	42	Composition of school boards of small schools
4	17	Section 42 (1)
5		<i>omit</i>
6		Constitution
7		<i>substitute</i>
8		Composition
9	18	Section 43 heading
10		<i>substitute</i>
11	43	Composition of school boards of school-related
12		institutions and other schools in special circumstances
13	19	Section 43
14		<i>omit</i>
15		constitution
16		<i>substitute</i>
17		composition
18	20	Procedures governing proceedings of school boards
19		Section 48 (4) (a)
20		<i>omit</i>
21		Constitution
22		<i>substitute</i>
23		Composition

- 1 **21 Functions of council (government)**
2 **Section 55 (d), note**
- 3 *substitute*
- 4 *Note* The Minister must present a copy of any advice given under s 55 (a)
5 or (b) to the Legislative Assembly (see s 66A).
- 6 **22 New division 3.5.3 heading**
- 7 *after section 65, insert*
- 8 **Division 3.5.3 Other provisions relating to council**
9 **(government)**
- 10 **23 Annual report by council (government)**
11 **Section 66**
- 12 *omit*
- 13 **24 Division 3.6.3 heading**
- 14 *omit*
- 15 **25 Protection of members of school boards**
16 **Section 72**
- 17 *relocate to division 3.4.3 as section 49A*
- 18 **26 Minister to present advice of council (government)**
19 **Section 73**
- 20 *relocate to division 3.5.3 as section 66A*
- 21 **27 Minister to seek advice**
22 **Section 76**
- 23 *relocate to division 4.4.3 as section 118*

1 **28 Section 79**

2 *substitute*

3 **79 Register of non-government schools**

- 4 (1) The registrar must keep a register of non-government schools.
- 5 (2) A person may, without charge, inspect the register of
6 non-government schools during ordinary business hours at the office
7 of the chief executive.
- 8 (3) A person may, on payment of the reasonable copying costs, obtain a
9 copy of all or part of the register.

10 **29 Applications for in-principle approval for proposed
11 registration
12 Section 83 (3) and (4)**

13 *substitute*

- 14 (3) The application must state the day the person proposes to begin
15 operating the school or operating the school at the additional
16 educational level (the *proposed opening day*).
- 17 (4) The proposed opening day must be at least 2 years, but not more
18 than 4 years, after the day the application is made.

19 **30 Section 104 heading**

20 *substitute*

21 **104 Suspension, transfer or exclusion of students—Catholic
22 systemic schools**

1	31	Functions of council (non-government)
2		Section 107, note
3		<i>substitute</i>
4		<i>Note</i> The Minister must present a copy of any advice given under s 107 (a)
5		or (b) to the Legislative Assembly (see s 118A).
6	32	New division 4.4.3 heading
7		<i>after section 117, insert</i>
8	Division 4.4.3	Other provisions relating to council
9		(non-government)
10	33	Annual report by council (non-government)
11		Section 118
12		<i>omit</i>
13	34	Miscellaneous
14		Division 4.5.3 heading
15		<i>omit</i>
16	35	Inspection of register of non-government schools
17		Section 126
18		<i>omit</i>
19	36	Minister to present advice of council (non-government)
20		Section 127
21		<i>relocate to division 4.4.3 as section 118A</i>

1 **37 Section 130**

2 *substitute*

3 **130 Provisional registration for home education**

- 4 (1) The parents of a child may apply to the chief executive for
5 registration of the child for home education.
- 6 (2) On receiving an application under subsection (1), the chief
7 executive must provisionally register the child for home education.
- 8 (3) Provisional registration for home education ends—
9 (a) 6 months after the day the provisional registration begins; or
10 (b) if the child is registered sooner under section 131 (3)—on the
11 day the child is registered.

12 **38 Registration for home education**
13 **Section 131 (1)**

14 *substitute*

- 15 (1) This section applies if a child is provisionally registered for home
16 education under section 130.

17 **39 Registration of child**
18 **Section 133 (1)**

19 *omit*

- 20 (1)

21 **40 Section 133 (2)**

22 *omit*

1	41	Members of school boards
2		Section 166
3		<i>omit</i>
4		Constitution
5		<i>substitute</i>
6		Composition
7	42	Schedule 1, part 1.2, item 5, column 3
8		<i>omit</i>
9		a shorter period than the period applied for
10		<i>substitute</i>
11		less than 2 years
12	43	Dictionary, definition of <i>appointed member, board</i>
13		<i>appointed member and parents and citizens member</i>
14		<i>omit</i>
15		Constitution
16		<i>substitute</i>
17		Composition
18	44	Dictionary, definition of <i>proposed opening day</i>
19		<i>omit</i>
20		83 (4)
21		<i>substitute</i>
22		83 (3)

1 **45 Dictionary, definitions of *staff member* and *student***
 2 ***member***

3 *omit*

4 Constitution

5 *substitute*

6 Composition

7 **46 Further amendments, mentions of *child* etc**

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 7 (2) (b) (vii)	children	students
2	section 7 (2) (e)	children	students
3	section 18 (c)	children	students
4	section 18 (d) (i)	children	students
5	section 18 (e)	children's	students'
6	section 25 (1)	child	student
7	section 25	child's	student's
8	section 27	child	student
9	section 27 (2) (b)	child's	student's
10	section 29 (2) and (4)	children	students
11	section 29 (4)	Children	Students
12	section 30 (1)	children	students
13	section 31 heading	children	students
14	section 31 (1)	child	student
15	section 33 (1)	child	student

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
16	section 34 (2) (a)	children	students
17	section 35 (1) (a)	children	students
18	section 35 (3)	child	student
19	section 35 (3)	child's	student's
20	section 36 heading	child	student
21	section 36	child	student
22	section 36	child's	student's
23	section 36 (1) (a) (iv)	children	students
24	section 81 heading	children	students
25	section 81 (1)	child	student
26	section 82	child	student
27	section 100 (1)	child	student
28	section 101 (2) (a)	children	students
29	section 102 (1) (a)	children	students
30	section 102 (3)	child	student
31	section 102 (3)	child's	student's
32	section 103 (1)	child	student
33	section 103 (1)	child's	student's
34	section 103 (2)	child's	student's
35	section 104	child	student
36	section 104	child's	student's
37	section 104 (1) (a) (iv)	children	students

Section 47

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
38	section 105 heading	children	students
39	section 105	child	student
40	section 105	child's	student's
41	section 105 (1) (a) (iv)	children	students
42	section 149	child	child or student
43	schedule 1, part 1.2, item 3, column 3	child	student
44	schedule 1, part 1.2, item 3, column 4	child	student
45	dictionary, definitions of <i>approved educational course (government)</i> and <i>approved educational course (non-government)</i>	children	students
46	dictionary, definition of <i>exclusion</i>	child	student

- 1 **47 Education Regulation 2005, section 7 heading**
- 2 *substitute*
- 3 **7 Home education register—Act, s 133 (a)**

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2006.

2 Notification

Notified under the Legislation Act on 2006.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
