

2003

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Education, Youth and Family Services)

Education Bill 2003

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2003

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Education, Youth and Family Services)

Education Bill 2003

A Bill for

An Act about the education of children in the ACT, and for other purposes

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

1 **Chapter 1 General**

2 **Part 1.1 Preliminary**

3 **1 Name of Act**

4 This Act is the *Education Act 2003*.

5 **2 Commencement**

6 This Act commences on a day fixed by the Minister by written
7 notice.

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

10 *Note 2* A single day or time may be fixed, or different days or times may be
11 fixed, for the commencement of different provisions (see Legislation
12 Act, s 77 (1)).

13 *Note 3* If a provision has not commenced within 6 months beginning on the
14 notification day, it automatically commences on the first day after that
15 period (see Legislation Act, s 79).

16 **3 Dictionary**

17 The dictionary at the end of this Act is part of this Act.

18 *Note 1* The dictionary at the end of this Act defines certain terms used in this
19 Act, and includes references (*signpost definitions*) to other terms
20 defined elsewhere in this Act.

21 For example, the signpost definition ‘*carer*—see section 6.’ means that
22 the term ‘carer’ is defined in that section.

23 *Note 2* A definition in the dictionary (including a signpost definition) applies to
24 the entire Act unless the definition, or another provision of the Act,
25 provides otherwise or the contrary intention otherwise appears (see
26 Legislation Act, s 155 and s 156 (1)).

1 **4 Notes**

2 A note included in this Act is explanatory and is not part of this Act.

3 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 **5 Offences against Act—application of Criminal Code etc**

5 Other legislation applies in relation to offences against this Act.

6 *Note 1 Criminal Code*

7 The Criminal Code, ch 2 applies to all offences against this Act
8 (see Code, pt 2.1).

9 The chapter sets out the general principles of criminal responsibility
10 (including burdens of proof and general defences), and defines terms
11 used for offences to which the Code applies (eg *conduct*, *intention*,
12 *recklessness* and *strict liability*).

13 *Note 2 Penalty units*

14 The Legislation Act, s 133 deals with the meaning of offence penalties
15 that are expressed in penalty units.

16 **6 Meaning of *parent* and *carer***

17 (1) In this Act, a *parent* includes a carer.

18 (2) In this Act, a *parent* is a person having parental responsibility for
19 the child under the *Children and Young People Act 1999*.

20 (3) In this Act, a *carer* is a person who is a carer under the *Children and*
21 *Young People Act 1999*, section 5.

1 **Part 1.2** **General principles and objects**

2 **7** **General principles of Act**

3 (1) Everyone involved in the administration of this Act, or in the
4 education of children of school age in the ACT, is to apply as far as
5 practicable the principle that every child has a right to receive a
6 high-quality education.

7 (2) Without limiting subsection (1), a high-quality education is based on
8 the following principles:

9 (a) school education provides a foundation for a democratic
10 society;

11 (b) school education should—

12 (i) aim to develop every child's potential and maximise
13 educational achievements; and

14 (ii) promote children's enthusiasm for lifelong learning and
15 optimism for the future; and

16 (iii) encourage parents to take part in the education of their
17 children, and recognise their right to choose a suitable
18 educational environment; and

19 (iv) recognise the social, religious, physical, intellectual and
20 emotional needs of all students; and

21 (v) aim over time to improve the learning outcomes of
22 students so that the outcomes are free from disadvantage
23 because of economic, social, cultural or other causes; and

24 (vi) encourage all children to complete their senior secondary
25 education; and

26 (vii) provide access to a broad education; and

- 1 (viii) recognise the needs of Indigenous students;
- 2 (c) innovation, diversity and opportunity within and among
3 schools should be encouraged;
- 4 (d) effective quality assurance mechanisms should be applied to
5 school education;
- 6 (e) government funding should be directed to children through
7 their schools or school system;
- 8 (f) the partnership between the home, community and educational
9 providers should be recognised;
- 10 (g) school communities should be given information about the
11 operation of their schools.
- 12 (3) Everyone involved in the administration of this Act, or in the
13 education of children of school age in the ACT, is to apply the
14 principle that school education—
- 15 (a) recognises the individual needs of children with disabilities;
16 and
- 17 (b) should make appropriate provision for those needs, unless it
18 would impose unjustifiable hardship on the provider of the
19 school education.
- 20 (4) Corporal punishment is not allowed in ACT schools.

21 **8 Main objects of Act**

22 The main objects of this Act are—

- 23 (a) to state the responsibilities of parents and the government in
24 relation to school education and the principles and values on
25 which government and non-government school education and
26 home education are based; and
- 27 (b) to promote compulsory school education and state the
28 circumstances in which school attendance is not required,

- 1 including providing for suspension and exclusion from school;
2 and
3 (c) to provide for the operation and governance of government
4 schools; and
5 (d) to provide for the registration of non-government schools and
6 home education.

1 **Chapter 2** **School enrolment and**
2 **attendance**

3 **9** **Meaning of *compulsory school age***

4 For this Act, a child is of *compulsory school age* if the child is at
5 least 6 years old and under 15 years old.

6 **10** **Compulsory enrolment**

7 (1) This section applies to the parents of a child if the child is of
8 compulsory school age and lives in the ACT.

9 (2) Not later than 14 school term days after the day the child turns
10 6 years old, or begins to live in the ACT, the parents must enrol the
11 child at a school or apply to register the child for home education.

12 Maximum penalty: 5 penalty units.

13 (3) Subsection (2) does not apply if—

14 (a) the child lives in the ACT but is enrolled in a school under
15 State law; or

16 (b) an exemption certificate is in force for the child; or

17 (c) the parents have a reasonable excuse for not complying with
18 the subsection.

19 (4) An offence against this section is a strict liability offence.

1 **11 Compulsory attendance**

2 (1) This section applies to the parents of a child if the child lives in the
3 ACT, is of compulsory school age and is enrolled at a school.

4 (2) The parents must ensure that the child attends—

5 (a) the school on every day, and during the times on every day,
6 when the school is open for attendance; and

7 (b) every activity of the school (including attendances at an
8 approved educational course) that the school requires the child
9 to attend.

10 (3) The parents must not contravene subsection (2).

11 Maximum penalty: 5 penalty units.

12 (4) Subsection (3) does not apply if the parents have a reasonable
13 excuse for the contravention.

14 (5) An offence against this section is a strict liability offence.

15 **12 Information about school-age children**

16 (1) This section applies if the chief executive believes on reasonable
17 grounds that—

18 (a) a child of compulsory school age lives in the ACT; and

19 (b) the child is not enrolled at a school or registered for home
20 education.

21 (2) The chief executive may give written notice to a parent of the child
22 requiring the parent to give the chief executive the details about the
23 child stated in the notice within 7 days after the day the parent
24 receives the notice.

25 (3) If the chief executive gives a notice under this section to the parent,
26 the parent must comply with the notice.

27 Maximum penalty: 50 penalty units.

- 1 (4) An offence against this section is a strict liability offence.

2 **13 Employment of children under school-leaving age**

- 3 (1) A person must not employ a child under school-leaving age, on a
4 day and at a time, when the child—
- 5 (a) is required under this Act to attend a school, school activity or
6 approved educational course; or
- 7 (b) if the child does not live in the ACT or is enrolled at a school
8 under State law—would be required under this Act to attend a
9 school, school activity or approved educational course if the
10 child were living in the ACT or were not enrolled at a school
11 under State law.

12 Maximum penalty: 50 penalty units.

- 13 (2) An offence against this section is a strict liability offence.

14 **14 Exemption certificates**

15 The chief executive may, on application by the parents of a child,
16 issue a certificate exempting the child from school, if satisfied
17 that—

- 18 (a) it is necessary or desirable, having regard to any educational,
19 vocational training or employment opportunity offered to the
20 child before the child is of school-leaving age, to exempt the
21 child from school; or
- 22 (b) it is otherwise in the child's best interests, having regard to the
23 care, health, development or education of the child, to exempt
24 the child from school.

25 **15 Duration of exemption certificates**

26 An exemption certificate may be issued for a child until—

- 27 (a) the child reaches school-leaving age; or
-

1 (b) the ground on which the certificate was issued ceases to apply.

2 **16 Revocation of exemption certificates**

3 The chief executive may revoke an exemption certificate issued for
4 a child if—

5 (a) the certificate was issued in error; or

6 (b) the ground on which the certificate was issued ceases to apply.

7 **17 Student transfer register**

8 The chief executive must establish procedures for recording the
9 transfer of students between schools in the ACT.

1 **Chapter 3 Government schools**

2 **Part 3.1 General**

3 **18 Principles on which ch 3 based**

4 The following are the principles on which this chapter is based:

- 5 (a) the ACT government school system is based on the principles
6 of equity, universality and nondiscrimination;
- 7 (b) government schools are free and open to everyone;
- 8 (c) government schools offer a broad and balanced secular
9 education to all children from preschool to year 12 by
10 providing access to a broad curriculum;
- 11 (d) the government school system is committed to—
- 12 (i) providing reasonable access to public education for all
13 children in the ACT;
- 14 (ii) maximising student educational achievements and
15 opportunities; and
- 16 (iii) developing emotional, physical and intellectual wellbeing
17 of all students; and
- 18 (iv) responsiveness to community needs; and
- 19 (v) innovation, diversity and choice; and
- 20 (vi) preparing students to be effective local and global
21 citizens; and
- 22 (vii) teacher, student and parent participation in all aspects of
23 school education; and

- 1 (viii) combining central policies and guidelines with school
2 level policies and decision-making; and
- 3 (ix) making information available about, and being
4 accountable for, the operation of government schools;
- 5 (e) government school funding is provided to schools in
6 recognition of the principles mentioned in paragraphs (a) to (d)
7 and the diversity of children's needs.

8 **19 Minister to seek advice**

- 9 (1) Before deciding the budget priorities and strategic directions for
10 government schools each year, the Minister must ask for, and
11 consider the advice of, the Government Schools Education Council.
- 12 (2) This section does not limit the matters that the Minister may take
13 into account in deciding the budget priorities and strategic directions
14 for government schools.

1 **Part 3.2** **Establishment and operation**
2 **of government schools**

3 **20 Establishing government schools etc**

- 4 (1) The Minister may establish government schools and preschools
5 (*government schools*).
- 6 (2) The Minister may decide the kinds of government schools to be
7 established and the educational level or levels for the schools.
- 8 (3) The Minister may establish school-related educational institutions
9 and services (*school-related institutions*).

10 **Example of school-related institution**

11 Hindmarsh Education Centre

12 *Note* An example is part of the Act, is not exhaustive and may extend, but
13 does not limit, the meaning of the provision in which it appears (see
14 Legislation Act, s 126 and s 132).

- 15 (4) The Minister may name, and change the name of, a government
16 school or school-related institution.
- 17 (5) Before closing or amalgamating a government school, the Minister
18 must—
- 19 (a) have regard to the educational, financial and social impact on
20 students at the school, the students' families and the general
21 school community; and
- 22 (b) ensure that school communities affected by the closure or
23 amalgamation have been adequately consulted.

1 **21 Operation of government schools**

- 2 (1) The chief executive is responsible to the Minister for the operation
3 of government schools.
- 4 (2) Government schools are to be publicly owned and operated by the
5 Territory itself.
- 6 (3) The chief executive must establish procedures that give priority to
7 the enrolment of children in the government school in their
8 neighbourhood.
- 9 (4) The principal of a government school is responsible for—
- 10 (a) educational leadership and management of the school; and
11 (b) educational outcomes for students at the school; and
12 (c) providing support to the school board in the carrying out of its
13 functions; and
14 (d) contributing to the development and implementation of
15 educational policies and strategies.
- 16 (5) The principal of a government school must make available to
17 parents of students at the school, and to the staff and students of the
18 school, information about the school's educational programs and
19 policies, and the school's operation.

20 **22 Investigation of complaints—government schools**

- 21 (1) The chief executive must develop and implement a complaints
22 policy for government schools.
- 23 (2) The chief executive must, as soon as practicable, investigate any
24 complaint about the administration, management and operation of
25 government schools that, in the chief executive's opinion, is not a
26 frivolous or vexatious complaint.
- 27 (3) The chief executive must, in an annual report under the *Annual*
28 *Reports (Government Agencies) Act 1995* for a financial year,

1 include details about the number of complaints investigated by the
2 chief executive under this section in that financial year.

3 **23 Review of government school system**

4 The chief executive must regularly review, and report to the
5 Minister on, the government school system as a whole.

6 **24 Review of operation of government schools**

7 (1) The chief executive must ensure that—

8 (a) the effectiveness of each government school is reviewed at
9 least once every 5 years; and

10 (b) a report of the review is prepared.

11 (2) A review must take into account the views of—

12 (a) the parents of students at the school; and

13 (b) the teachers at the school; and

14 (c) the students at the school.

15 (3) The chief executive must make the report of a review of a school
16 available to—

17 (a) the parents of students at the school; and

18 (b) the staff of the school; and

19 (c) the students at the school.

1 **25 Reporting to parents—government schools**

- 2 (1) The principal of a government school must set up procedures for
3 giving reports to the parents of a child enrolled at the school about
4 the child’s academic progress and social development at the school.
- 5 (2) A report must be given to the child’s parents at least twice a year.

6 **26 Education to be free**

- 7 (1) Education in government schools is to be free and no fees are
8 chargeable for it.
- 9 (2) Subsection (1) does not apply—
- 10 (a) in relation to course money paid to a registered provider; or
- 11 (b) to people who hold a temporary visa under the *Migration Act*
12 *1958* (Cwlth), section 30 (2).
- 13 (3) In subsection (2):
- 14 *course money*—see the *Education Services for Overseas Students*
15 *Act 2000* (Cwlth), section 7.
- 16 *registered provider*—see the *Education Services for Overseas*
17 *Students Act 2000* (Cwlth), section 5.

18 **27 Voluntary financial contributions**

- 19 (1) The school board of a government school may ask the parents of a
20 child enrolled at the school, or anyone else, to make a financial
21 contribution to the school.
- 22 (2) The following principles apply in relation to financial contributions:
- 23 (a) each contribution is to be voluntary;
- 24 (b) a child at the school is not to be refused benefits or services
25 because the child’s parents do not make a contribution;
- 26 (c) a child is not to be approached or harassed for contributions;

- 1 (d) any record of contributions is confidential.
- 2 (3) If the school board asks the parents of a child enrolled at the school
3 to make a financial contribution, the school board must tell the
4 parents about the principles that apply in relation to financial
5 contributions.

6 **28 Secular education**

- 7 (1) Education in government schools is to be non-sectarian, secular
8 education.
- 9 (2) Secular education in government schools may include the study of
10 different religions as distinct from education in a particular religion.

11 **29 Religious education**

- 12 (1) If parents of children at a government school ask the principal for
13 their children to receive religious education in a particular religion,
14 the principal must ensure that reasonable time is allowed for their
15 children's religious education in that religion.
- 16 (2) The principal must ensure that the educational program continues
17 for children at the school not attending religious education.
- 18 (3) Religious education must be authorised by the religious body to
19 which the person providing the instruction belongs.
- 20 (4) Children attending a religious education class at a government
21 school must be separated from other children at the school while the
22 class is held.
- 23 (5) In this section:
- 24 *religious education* means education in a particular religion as
25 distinct from the study of different religions.

1 **30 Curriculum**

2 (1) The chief executive must decide the curriculum requirements for
3 children attending government schools.

4 (2) For subsection (1), the requirements include the framework of the
5 curriculum and the principles on which the curriculum is based.

6 **31 Approved educational courses for children at**
7 **government schools**

8 (1) The chief executive may approve educational courses for a child
9 enrolled at a government school that may be provided to the child at
10 a place other than the school.

11 (2) An approval may be subject to conditions.

12 (3) However, the chief executive may approve an educational course
13 only if satisfied that—

14 (a) the standard of the course is appropriate; and

15 (b) there are adequate facilities for conducting the course; and

16 (c) the premises where the course is to be conducted comply with
17 any relevant Territory laws about health and safety standards.

1 **Part 3.3** **Attendance at government**
2 **schools**

3 **32 Keeping of register of enrolments and attendances for**
4 **government schools**

- 5 (1) The principal of a government school, or the person giving an
6 approved educational course (government), commits an offence if
7 the principal or person fails to keep a register of enrolments and
8 attendances.

9 Maximum penalty: 10 penalty units.

- 10 (2) An offence against this section is a strict liability offence.

11 **33 Keeping records of enrolment and attendances for**
12 **government schools**

- 13 (1) The principal of a government school, or the person giving an
14 approved educational course (government), must ensure that the
15 following information is entered in the register of enrolments and
16 attendances:

- 17 (a) the full name of each child enrolled at the school or course;
18 (b) a record of the attendance or nonattendance of the child at the
19 school or course on every day when the school or course is
20 open for attendance.

21 Maximum penalty: 10 penalty units.

- 22 (2) The principal of a government school, or the person giving an
23 approved educational course (government), commits an offence if—

- 24 (a) the principal or person makes an entry in the register of
25 enrolments and attendances; and

1 (b) the principal or person is reckless about whether the entry is
2 correct.

3 Maximum penalty: 10 penalty units.

4 (3) An offence against subsection (1) is a strict liability offence.

5 **34 Inspection of register of enrolment and attendances for**
6 **government schools**

7 (1) The principal of a government school, or the person giving an
8 approved educational course (government), commits an offence if—

9 (a) an authorised person (government) asks the principal or person
10 to make the register of enrolments and attendances available to
11 the authorised person; and

12 (b) the principal or person fails to make the register available as
13 asked.

14 Maximum penalty: 10 penalty units.

15 (2) The principal of a government school, or the person giving an
16 approved educational course (government), commits an offence if—

17 (a) the chief executive or an authorised person (government) asks
18 the principal or the person to give the chief executive or
19 authorised person stated information about enrolments or
20 attendances of children at the school or course during a stated
21 period or at a stated time; and

22 (b) the principal or person fails to give the information in
23 accordance with the request.

24 Maximum penalty: 50 penalty units

25 (3) An authorised person (government) may make copies of the register
26 of enrolments and attendances or any part of the register.

27 (4) The principal of a government school, or the person giving an
28 approved educational course (government), must take reasonable

1 steps to assist an authorised person (government) in exercising
2 functions under this section.

3 (5) An offence against this section is a strict liability offence.

4 **35 Procedures to encourage school attendance at**
5 **government schools**

6 (1) The principal of a government school must set up procedures—

7 (a) to encourage children to attend school regularly; and

8 (b) to help parents to encourage their children to attend school
9 regularly.

10 (2) The principal must refer parents and children to support services
11 that encourage children to attend school regularly when the
12 procedures mentioned in subsection (1) are not successful.

13 (3) If a child enrolled at a government school has not been attending
14 school regularly, the principal of the school may, by written notice,
15 require the child's parents and the child to meet with an authorised
16 person at a stated place and time.

17 **36 Suspension, exclusion or transfer of child by chief**
18 **executive**

19 (1) This section applies if—

20 (a) a child attending a government school—

21 (i) is persistently and wilfully noncompliant; or

22 (ii) threatens to be violent or is violent to another child
23 attending the school, a member of the staff of the school
24 or anyone else involved in the school's operation; or

25 (iii) acts in a way that otherwise threatens the good order of
26 the school or the safety or wellbeing of another child

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- 1 attending the school, a member of staff of the school or
2 anyone else involved in the school's operation ; or
- 3 (iv) displays behaviour that is disruptive to the child's
4 learning or that of other children; and
- 5 (b) the principal of the school is satisfied that action should be
6 taken under this section.
- 7 (2) The principal may recommend to the chief executive that the chief
8 executive—
- 9 (a) suspend the child from the school for a stated period of not
10 longer than 20 days; or
- 11 (b) transfer the child to another government school; or
- 12 (c) exclude the child from all government schools.
- 13 (3) After considering the principal's recommendation, the chief
14 executive may—
- 15 (a) give effect to the recommendation; or
- 16 (b) take any other action mentioned in subsection (2) that the chief
17 executive considers appropriate; or
- 18 (c) suspend the child for not longer than 20 days.
- 19 (4) The chief executive may exclude the child only if—
- 20 (a) the child's parents have been given an opportunity to be
21 consulted, and told in writing, about the proposed exclusion of
22 the child and the reasons for it; and
- 23 (b) the child has been given a reasonable opportunity to attend
24 counselling, undertake relevant educational programs or
25 receive other appropriate assistance; and
- 26 (c) as far as the child's maturity and capacity for understanding
27 allow, the participation of the child has been sought, and any

- 1 views of the child considered, in deciding whether to exclude
2 the child; and
- 3 (d) the child has been given sufficient information about the
4 decision-making process, in a language and way that the child
5 can understand, to allow the child to take part in the process;
6 and
- 7 (e) the child has been offered alternatives for continuing the
8 child's education during the exclusion.
- 9 (5) The chief executive may suspend or transfer the child only if—
- 10 (a) the child's parents have been given an opportunity to be
11 consulted, and told in writing, about the proposed suspension
12 or transfer of the child and the reasons for it; and
- 13 (b) as far as the child's maturity and capacity for understanding
14 allow, the participation of the child has been sought, and any
15 views of the child considered, in deciding whether to suspend
16 or transfer the child; and
- 17 (c) the child has been given sufficient information about the
18 decision-making process, in a language and way that the child
19 can understand, to allow the child to take part in the process;
20 and
- 21 (d) the child has been given a reasonable opportunity to continue
22 the child's education during the suspension.
- 23 (6) Despite subsection (5), the chief executive may immediately
24 suspend the child for not longer than 5 days if, in the chief
25 executive's opinion, the circumstances are of such urgency or
26 seriousness to require the child's immediate suspension.
- 27 (7) However, before suspending the child under subsection (6), the
28 chief executive must comply with the requirements of
29 subsection (5) (a) to (d) to the extent that it is practicable and
30 appropriate to do so.

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1 (8) To remove any doubt, the chief executive may suspend the child
2 under subsection (6) while deciding what other action (if any)
3 should be taken in relation to the child under this section.

4 (9) The chief executive may delegate the chief executive's power to
5 suspend a child from a government school for not longer than 5 days
6 to the principal of the school.

7 *Note* For the making of delegations and the exercise of delegated functions,
8 see Legislation Act, pt 19.4.

1 **Part 3.4** **School boards of government**
2 **schools**

3 **Division 3.4.1** **Interpretation**

4 **37** **Definitions for pt 3.4**

5 In this part:

6 *half-year* means a period of 6 months ending on 30 June or
7 31 December.

8 *money*, of a school, means money allocated to the school by the
9 chief executive or otherwise received by the school.

10 **Examples of money otherwise received**

11 voluntary financial contributions, other donations and sponsorships

12 *Note* An example is part of the Act, is not exhaustive and may extend, but
13 does not limit, the meaning of the provision in which it appears (see
14 Legislation Act, s 126 and s 132).

15 *parents and citizens association*, of a school, means

16 (a) the entity declared under section 40 (Declaration of parents and
17 citizens associations in certain circumstances) to be the parents
18 and citizens association of the school; or

19 (b) if there is no declaration under that section for the school—the
20 parents and citizens association incorporated under the
21 *Associations Incorporation Act 1991* or the *Associations*
22 *Incorporation Act 1953* (repealed) in relation to the school.

1 *prescribed period*, for a term of office of a member of a school
2 board (other than the principal), means the period—

3 (a) beginning on whichever of the following is later:

4 (i) 1 March in the year of the member's election or
5 appointment;

6 (ii) the date of the member's election or appointment; and

7 (b) ending at the end of the February at least 12 months, and not
8 more than 24 months, after the beginning of the period.

9 *school* means a government school, but does not include a
10 preschool.

11 *small school* means a school (other than a school-related institution)
12 where fewer than 4 teachers are employed.

13 *student* means a student who attends classes at a school for at least
14 12 hours per week.

15 **Division 3.4.2 Establishment and membership**

16 **38 Establishment of school boards**

17 A school board is established for each government school.

18 *Note* Section 149 (Preschools) deals with opportunities for parents of children
19 at preschools to participate in the conduct of the preschool.

20 **39 Functions of school boards etc**

21 (1) The functions of the school board of a government school are—

22 (a) to establish strategic direction and priorities for the school; and

23 (b) to monitor and review school performance and to report on it
24 to the chief executive, parents of students at the school and
25 staff; and

- 1 (c) to develop, maintain and review curriculum for the school; and
2 (d) to develop and review education policies at the school; and
3 (e) to establish budgetary policies for the school and approve the
4 school budget; and
5 (f) to establish policies for the efficient and effective use of school
6 assets and the management of financial risk; and
7 (g) to develop relationships between the school and the community
8 and between the school and community organisations; and
9 (h) to make recommendations to the chief executive on issues
10 affecting the school; and
11 (i) to encourage parent participation in their children's learning;
12 and
13 (j) to exercise any other function given to the board under this Act
14 or any other Territory law.
- 15 (2) The chief executive may give written directions to the school board
16 about the exercise of its functions, either generally or in relation to a
17 particular issue.
- 18 (3) The chief executive must, in an annual report under the *Annual*
19 *Reports (Government Agencies) Act 1995* for a financial year,
20 include particulars of any direction given by the chief executive
21 under this section in that financial year to a particular school board
22 and not to school boards generally.
- 23 (4) The school board must give effect to the chief executive's
24 directions.
- 25 (5) The chief executive is not required—
26 (a) to accept, or act in accordance with, a recommendation of the
27 school board; or
28 (b) to carry out a policy decided by the school board.
-

1 **40 Declaration of parents and citizens associations in**
2 **certain circumstances**

3 (1) If there is a dispute about the entity that should be the parents and
4 citizens association of a government school, the chief executive
5 must call a meeting of parents of students at the school and
6 interested members of the community to discuss the entity to be the
7 representative of the parents and community.

8 (2) If, in the chief executive's opinion, it is appropriate in the
9 circumstances to do so, the chief executive may call a meeting of
10 parents of students at a government school and interested members
11 of the community to discuss the entity to be the representative of the
12 parents and community.

13 (3) The chief executive may, after considering the outcome of a meeting
14 under subsection (2) or (3) in relation to a government school,
15 recommend to the Minister the entity to be the representative of the
16 parents and community.

17 (4) After receiving a recommendation under subsection (3), the Minister
18 may, in writing, declare an entity to be the parents and citizens
19 association of a government school.

20 (5) A declaration under subsection (1) is a notifiable instrument.

21 *Note* A notifiable instrument must be notified under the Legislation Act.

22 **41 Constitution of school boards generally**

23 (1) This section applies to a school board of a government school other
24 than—

25 (a) a small school or a school-related institution; or

26 (b) a school to which section 43 (Constitution of school boards of
27 school-related institutions and other schools in special
28 circumstances) applies.

- 1 (2) The school board of a government school consists of—
- 2 (a) the principal of the school; and
- 3 (b) 1 member (the *appointed member*) appointed by the chief
- 4 executive as the appointed member; and
- 5 (c) 2 members (the *staff members*) elected by staff of the school
- 6 and appointed by the chief executive; and
- 7 (d) 3 members (the *parents and citizens members*) elected by the
- 8 parents and citizens association of the school and appointed by
- 9 the chief executive; and
- 10 (e) the members (the *board appointed members*) (if any)
- 11 appointed by the board under subsection (6); and
- 12 (f) for a school prescribed under the regulations—2 members (the
- 13 *student members*) elected by the students at the school and
- 14 appointed by the chief executive.
- 15 (3) A person is eligible to be elected or appointed as a staff member
- 16 only if the person is employed as a member of the staff of the
- 17 school.
- 18 (4) A person is eligible to be elected or appointed a student member
- 19 only if the person is a student at the school.
- 20 (5) The appointed member, staff members, parent and citizens members
- 21 and student members are appointed for the prescribed period.
- 22 (6) The school board may appoint 1 or more people to be members of
- 23 the board for a term (not longer than 12 months) decided by the
- 24 school board.
- 25 (7) The school board must not make an appointment under
- 26 subsection (6) if there would be more than 2 board appointed
- 27 members at the same time.

1 **42 Constitution of school boards of small schools**

- 2 (1) This section applies to a school board of a small school other than a
3 school to which section 43 (Constitution of school boards of school-
4 related institutions and other schools in special circumstances)
5 applies.
- 6 (2) The school board of a small school consists of—
- 7 (a) the principal of the school; and
- 8 (b) 1 member (the *appointed member*) appointed by the chief
9 executive as the appointed member; and
- 10 (c) 1 member (the *staff member*) appointed by the chief executive
11 as the staff member; and
- 12 (d) 2 members (the *parents and citizens members*) elected by the
13 parents and citizens association of the school and appointed by
14 the chief executive; and
- 15 (e) the members (the *board appointed member*) (if any) appointed
16 by the board under subsection (6).
- 17 (3) A person is eligible to be appointed as the staff member only if the
18 person is employed as a member of the staff of the school.
- 19 (4) The staff member is to be appointed in a way prescribed under the
20 regulations.
- 21 (5) The appointed member, staff member and parent and citizen
22 members are appointed for the prescribed period.
- 23 (6) The school board may appoint 1 or more people to be members of
24 the board for a term (not longer than 12 months) decided by the
25 school board.
- 26 (7) The school board must not make an appointment under
27 subsection (6) if there would be more than 2 board appointed
28 members at the same time.

1 **43 Constitution of school boards of school-related**
2 **institutions and other schools in special circumstances**

- 3 (1) This section applies to a school that is—
4 (a) a school-related institution; or
5 (b) declared, in writing, by the chief executive to be a school to
6 which special circumstances apply.
- 7 (2) If the school is a school-related institution, the chief executive must,
8 if practical, determine the constitution of the school board of the
9 school.

10 **Example**

11 It may not be practical to establish a school board for a school-related institution
12 with fewer than 3 staff.

13 *Note* An example is part of the Act, is not exhaustive and may extend, but
14 does not limit, the meaning of the provision in which it appears (see
15 Legislation Act, s 126 and s 132).

- 16 (3) Subsection (2) does not prevent the chief executive from
17 determining the constitution of a single school board for 2 or more
18 institutions.
- 19 (4) If the chief executive makes a determination under subsection (2)
20 for the school, the chief executive may also determine—
21 (a) the members who are required to be present at a meeting of the
22 board; and
23 (b) the members who may not vote at a meeting of the board.
- 24 (5) If the school is a school to which special circumstances apply, the
25 chief executive may determine the following:
26 (a) the constitution of the school board of the school;
27 (b) the members who are required to be present at a meeting of the
28 board;

- 1 (c) the members who may not vote at a meeting of the board.
- 2 (6) The chief executive may make a determination under subsection (2),
3 (4) or (5) only with the Minister's written approval.
- 4 (7) Before making the determination the chief executive must, if
5 practical, consult with the parents of students at the school, at a
6 general meeting of the parents, about the constitution of the board.
- 7 (8) In deciding whether or not to give the approval, the Minister must
8 have regard to—
- 9 (a) the need for the principal of the school to be a member of the
10 board; and
- 11 (b) the need for the chief executive to be represented on the board;
12 and
- 13 (c) whether staff of the school and students at the school have
14 been consulted about the constitution of the board; and
- 15 (d) any comments made by the staff and students at the school
16 about the constitution of the board; and
- 17 (e) the administrative needs, educational or related objectives, and
18 any special characteristics of the school.
- 19 (9) The chief executive may appoint a person in accordance with the
20 determination to be a member of the board of the school.
- 21 *Note 1* For the making of appointments (including acting appointments), see
22 Legislation Act, pt 19.3.
- 23 *Note 2* In particular, an appointment may be made by naming a person or
24 nominating the occupant of a position (see s 207).
- 25 (10) A member of the board is appointed for the term stated in the
26 instrument making or evidencing the appointment.

- 1 (11) A determination under subsection (2), (4) or (5) must be in writing
2 and is a disallowable instrument.

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

5 **44 Ending of appointment of members of school board**

- 6 (1) The chief executive must end the appointment of a member of the
7 school board of a government school if the member ceases to be
8 eligible to be appointed or elected to the position.

- 9 (2) The chief executive must end the appointment of a member of the
10 school board of a government school, other than the principal of the
11 school, if—

12 (a) the member is absent from 3 consecutive meetings of the board
13 without reasonable excuse or leave given by the board; or

14 (b) contravenes section 49 (Disclosure of interests by members of
15 school boards) without reasonable excuse.

- 16 (3) The chief executive may end the appointment of a member of the
17 school board of a government school, other than the principal at the
18 school, for misbehaviour or physical or mental incapacity.

19 *Note* A person's appointment also ends if the person resigns (see Legislation
20 Act, s 210).

21 **45 Chairperson and deputy chairperson of school boards**

- 22 (1) The members of the school board of a government school must,
23 whenever necessary, elect—

24 (a) a member to be chairperson; and

25 (b) another member to be deputy chairperson.

- 26 (2) The school board must tell the chief executive of the election of a
27 member as chairperson or deputy chairperson.

- 1 (3) The members of the school board must not appoint the principal of
2 the school or a member of staff of the school to be chairperson of
3 the board.

4 **46 School boards to take part in selection of school**
5 **principals**

- 6 The members of the school board of a government school must,
7 whenever necessary, nominate a member of the board as a member
8 of any selection panel established by the chief executive to make
9 recommendations to the chief executive about the appointment of
10 the principal for the school.

11 **Division 3.4.3 Proceedings of school boards**

12 **47 Time and place of meetings of school boards**

- 13 (1) The school board of a government school meets at the times and
14 places it decides.
- 15 (2) However, the school board must meet at least 4 times a year.
- 16 (3) The chairperson—
- 17 (a) may at any time call a meeting of the school board; and
- 18 (b) must call a meeting if asked by the Minister, the chief
19 executive or 3 members of the board.
- 20 (4) If the chairperson is not available to call a meeting for any reason,
21 the deputy chairperson or the principal of the school may call a
22 meeting of the school board.

1 **48 Procedures governing proceedings of school boards**

- 2 (1) The chairperson of the school board of a government school
3 presides at all meetings of the board at which the chairperson is
4 present.
- 5 (2) If the chairperson is absent, the deputy chairperson presides.
- 6 (3) If the chairperson and deputy chairperson are both absent, the
7 member chosen by the members present presides.
- 8 (4) Business may be carried out at a meeting of the school board only if
9 3 or more members are present and—
- 10 (a) for the school board of a school other than a school to which
11 section 43 (Constitution of school boards of school-related
12 institutions and other schools in special circumstances)
13 applies—at least 1 of the members present is a staff member
14 and at least 1 of the members present is a parents and citizens
15 association member; or
- 16 (b) for the school board of a school to which section 43 applies—
17 the members (if any) who are required, under the determination
18 under section 43 (4) or (5) applying to the school, to be present
19 at a meeting of the school board are present.
- 20 (5) At a meeting of the school board each member (other than a non-
21 voting member) has a vote on each question to be decided.
- 22 (6) A question is to be decided by a majority of the votes of the
23 members present and voting but, if the votes are equal, the member
24 presiding has a casting vote.
- 25 (7) The school board may hold meetings, or allow members to take part
26 in meetings, by telephone, closed-circuit television or another form
27 of communication.
- 28 (8) A member who takes part in a meeting under subsection (7) is taken
29 to be present at the meeting.

- 1 (9) A resolution of the school board is a valid resolution, even though it
2 is not passed at a meeting of the board, if—
- 3 (a) all members (other than the non-voting members) agree, in
4 writing, to the proposed resolution; and
- 5 (b) notice of the resolution is given under procedures decided by
6 the school board.
- 7 (10) The school board must keep minutes of its meetings.
- 8 (11) The school board may conduct its proceedings (including its
9 meetings) as it otherwise considers appropriate.
- 10 (12) In this section:
- 11 *non-voting member* means—
- 12 (a) for the school board of a school other than a school to which
13 section 43 applies—a board appointed member; or
- 14 (b) for the school board of a school to which section 43 applies—a
15 member who, under the determination under section 43 (4) or
16 (5) applying to the school, may not vote at a meeting of the
17 school board.
- 18 **49 Disclosure of interests by members of school boards**
- 19 (1) This section applies to a member of a school board if—
- 20 (a) the member has a direct or indirect financial interest in an issue
21 being considered, or about to be considered, by the board; and
- 22 (b) the interest could conflict with the proper exercise of the
23 member's functions in relation to the board's consideration of
24 the issue.
- 25 (2) As soon as practicable after the relevant facts come to the member's
26 knowledge, the member must disclose the nature of the interest to a
27 meeting of the school board.

- 1 (3) The disclosure must be recorded in the school board's minutes and,
2 unless the board otherwise decides, the member (the *first member*)
3 must not—
- 4 (a) be present when the board considers the issue; or
5 (b) take part in a decision of the board on the issue.
- 6 (4) Any other member who also has a direct or indirect financial interest
7 in the issue must not—
- 8 (a) be present when the school board is considering its decision
9 under subsection (3) in relation to the first member; or
10 (b) take part in making the decision.
- 11 (5) Within 14 days after the end of each financial year, the chairperson
12 of the school board must give the chief executive a statement of any
13 disclosure of interest made under this section in relation to the
14 school board during the financial year.

15 **Division 3.4.4 Financial matters**

16 **50 School boards to approve budgets**

- 17 (1) The school board of a government school must approve a budget for
18 each year.
- 19 (2) The school board must approve the budget before the date decided
20 by the chief executive.
- 21 (3) The budget may only be approved by the school board if it is in the
22 form, and based on the accounting or other policies or practices,
23 (if any) required by the chief executive.
- 24 (4) The chief executive may ask the school board to approve a budget
25 for a part of a year.
- 26 (5) The school board must comply with the request.

- 1 (6) If the school board approves the budget, money of the school may
2 be spent in accordance with the budget.

3 **51 Application of money of school**

4 The school board of a government school may approve the spending
5 of money of the school only in payment or discharge of the costs of,
6 or liabilities incurred by, the school.

7 **52 School boards to approve financial statement and report**

8 (1) As soon as practicable after the end of each half-year (but not later
9 than the date decided by the chief executive), the school board of a
10 government school must approve a financial statement for the half-
11 year, in a form approved by the chief executive or as the chief
12 executive directs.

13 (2) As soon as practicable after the end of each year (but not later than
14 the date decided by the chief executive), the school board of a
15 government school must approve an annual report on the board's
16 operations during the year.

17 (3) The annual report must include—

18 (a) the financial statements approved under subsection (1) for each
19 half-year; and

20 (b) a statement of how voluntary contributions made to the school
21 have been or will be spent; and

22 (c) if a school board is holding funds in reserve—a statement
23 setting out the purposes for which the funds are being held and
24 the amount being held for each of those purposes.

25 *Note* If a form is approved under s 156 for a statement under par (c), the form
26 must be used.

27 (4) The school board must give a copy of each report approved under
28 this section to the chief executive.

- 1 (5) The chief executive may issue guidelines about what is, or is not,
2 holding funds in reserve.

3 **53 School boards to make available summaries of budget**
4 **and annual report**

- 5 (1) Not later than 14 days after approving the budget for a year, the
6 school board of a government school must make a summary of the
7 budget available to parents of students at the school and to the staff
8 and students of the school.
- 9 (2) Not later than 14 days after approving the annual report for a year,
10 the school board of a government school must make a summary of
11 the report available to parents of students at the school and to the
12 staff and students of the school.

1 **Part 3.5** **Government Schools**
2 **Education Council**

3 **Division 3.5.1** **Establishment and membership**

4 **54** **Establishment of council (government)**

5 The Government Schools Education Council (in this part called the
6 *council*) is established.

7 **55** **Functions of council (government)**

8 The functions of the council are—

- 9 (a) to advise the Minister on any aspect of the ACT government
10 school system; and
11 (b) when asked by the Minister under this paragraph, to inquire
12 into and give advice to the Minister on any aspect of the ACT
13 government school system; and
14 (c) to meet with the Non-Government Schools Education Council
15 to discuss matters of mutual interest; and
16 (d) to exercise any other function given to the council under this
17 Act or any other Territory law.

18 *Note* The Minister must present a copy of any advice to the Legislative
19 Assembly (see s 73).

20 **56** **Membership of council (government)**

21 The council consists of the following members:

- 22 (a) the chief executive;
23 (b) the members (*appointed members*) appointed under section 57.

1 **57 Appointed members of council (government)**

2 The Minister must appoint the following members of the council:

- 3 (a) a chairperson;
- 4 (b) 6 people who, in the Minister's opinion, have experience in
5 1 or more of the areas of business and commerce, public
6 policy, early childhood care, education, the special needs of
7 young people and teacher education (the *community*
8 *members*);
- 9 (c) 10 people who, in the Minister's opinion, represent the views
10 of government school education (the *education members*).
- 11 (2) For subsection (1) (c), the Minister must appoint—
- 12 (a) 2 education members chosen from nominations of the peak
13 organisation representing principals; and
- 14 (b) 2 education members chosen from nominations of the
15 government teacher union; and
- 16 (c) 2 education members chosen from nominations of the peak
17 organisation representing parent associations of government
18 schools; and
- 19 (d) 2 education members chosen from nominations of the peak
20 organisation representing students; and
- 21 (e) 1 education member chosen from nominations of the peak
22 organisation representing school boards; and

1 (f) 1 education member chosen from nominations of the peak
2 organisation representing preschool parents.

3 *Note 1* For the making of appointments (including acting appointments), see
4 Legislation Act, pt 19.3.

5 *Note 2* In particular, an appointment may be made by naming a person or
6 nominating the occupant of a position (see s 207).

7 *Note 3* Certain Ministerial appointments require consultation with a Legislative
8 Assembly committee and are disallowable (see Legislation Act,
9 div 19.3.3).

10 **58 Deputy chairperson of council (government)**

11 (1) The appointed members must, whenever necessary, elect another
12 appointed member to be deputy chairperson.

13 (2) The council must tell the Minister of the election of an appointed
14 member as deputy chairperson.

15 **59 Term of appointment to council (government)**

16 (1) An appointed member is to be appointed for a term not longer than
17 3 years.

18 (2) The instrument appointing, or evidencing the appointment of, an
19 appointed member must state whether the person is appointed as
20 chairperson or a community or education member.

21 *Note* A person may be reappointed to a position if the person is eligible to be
22 appointed to the position (see Legislation Act, s 208 and dict, pt 1, def
23 *appoint*).

1 **60 Ending of appointment to council (government)**

- 2 (1) The Minister may end the appointment of an appointed member—
- 3 (a) for misbehaviour; or
- 4 (b) for contravening section 65 (Disclosure of interests by
- 5 members of council (government)).
- 6 *Note* A person’s appointment also ends if the person resigns (see Legislation
- 7 Act, s 210).
- 8 (2) The Minister may also end the appointment of an education member
- 9 if satisfied that the person no longer represents the views of the
- 10 organisation from which the person was chosen.

11 **61 Conditions of appointment generally of appointed**

12 **members**

13 An appointed member holds the position on the conditions not

14 provided by this Act or another Territory law that are decided by the

15 Minister.

16 **62 Arrangements for staff**

- 17 (1) The council may arrange with the chief executive to use public
- 18 servants in the administrative unit under the chief executive’s
- 19 control.
- 20 (2) The *Public Sector Management Act 1994* applies to the management
- 21 by the council of public servants the subject of an arrangement
- 22 under subsection (1).

1 **Division 3.5.2 Proceedings of council**
2 **(government)**

3 **63 Time and place of meetings of council (government)**

- 4 (1) The council meets at the times and places it decides.
5 (2) However, the council must meet at least twice a year.
6 (3) The chairperson—
7 (a) may at any time call a meeting of the council; and
8 (b) must call a meeting if asked by the Minister, the chief
9 executive or at least 9 members.
10 (4) If the chairperson is not available to call a meeting for any reason,
11 the deputy chairperson may call a meeting of the council.

12 **64 Procedures governing proceedings of council**
13 **(government)**

- 14 (1) The chairperson of the council presides at all meetings of the
15 council at which the chairperson is present.
16 (2) If the chairperson is absent, the deputy chairperson presides.
17 (3) If the chairperson and deputy chairperson are both absent, the
18 member chosen by the members present presides.
19 (4) Business may be carried out at a meeting of the council only if 9
20 members are present.
21 (5) At a meeting of the council each appointed member has a vote on
22 each question to be decided.
23 (6) A question is to be decided by a majority of the votes of the
24 members present and voting but, if the votes are equal, the member
25 presiding has a casting vote.

- 1 (7) The council may hold meetings, or allow members to take part in
2 meetings, by telephone, closed-circuit television or another form of
3 communication.
- 4 (8) A member who takes part in a meeting under subsection (7) is taken
5 to be present at the meeting.
- 6 (9) A resolution of the council is a valid resolution, even though it was
7 not passed at a meeting of the council, if—
- 8 (a) all appointed members agree, in writing, to the proposed
9 resolution; and
- 10 (b) notice of the resolution is given under procedures decided by
11 the council.
- 12 (10) The council must keep minutes of its meetings.
- 13 (11) The council may conduct its proceedings (including its meetings) as
14 it otherwise considers appropriate.

15 **65 Disclosure of interests by members of council**
16 **(government)**

- 17 (1) This section applies to a member of the council if—
- 18 (a) the member has a direct or indirect financial interest in an issue
19 being considered, or about to be considered, by the council;
20 and
- 21 (b) the interest could conflict with the proper exercise of the
22 member's functions in relation to the council's consideration of
23 the issue.
- 24 (2) As soon as practicable after the relevant facts come to the member's
25 knowledge, the member must disclose the nature of the interest to a
26 meeting of the council.

- 1 (3) The disclosure must be recorded in the council's minutes and, unless
2 the council otherwise decides, the member (the *first member*) must
3 not—
- 4 (a) be present when the council considers the issue; or
5 (b) take part in a decision of the council on the issue.
- 6 (4) Any other member who also has a direct or indirect financial interest
7 in the issue must not—
- 8 (a) be present when the council is considering its decision under
9 subsection (3) in relation to the first member; or
10 (b) take part in making the decision.
- 11 (5) Within 14 days after the end of each financial year, the chairperson
12 of the council must give the Minister a statement of any disclosure
13 of interest made under this section during the financial year.

14 **66 Annual report by council (government)**

- 15 (1) As soon as practicable after the end of each financial year (but not
16 later than the date decided by the Minister), the council must give
17 the Minister a report about its operations for the financial year.
- 18 (2) The Minister must present a copy of the report under this section to
19 the Legislative Assembly within 6 sitting days after the day the
20 Minister receives the report.

1 **Part 3.6** **Other provisions**

2 **Division 3.6.1** **Authorised persons (government)**

3 **67** **Appointment of authorised persons (government)**

4 (1) The chief executive may appoint a person to be an authorised person
5 (government) for this Act or a provision of this Act, other than
6 chapter 4 (Non-government schools).

7 *Note* For the making of appointments (including acting appointments), see
8 Legislation Act, pt 19.3.

9 (2) The regulations may prescribe a person to be an authorised person
10 (government) for this Act or a provision of this Act, other than
11 chapter 4.

12 (3) A person may be appointed as an authorised person (government)
13 under subsection (1) only if—

14 (a) the person is an Australian citizen or a permanent resident of
15 Australia; and

16 (b) the chief executive is satisfied that the person is a suitable
17 person to be appointed, having regard in particular to—

18 (i) whether the person has any criminal convictions; and

19 (ii) the person's employment record; and

20 (c) the person has satisfactorily completed adequate training to
21 exercise the powers of an authorised person (government)
22 proposed to be given to the person.

- 1 **68 Identity cards for authorised persons (government)**
- 2 (1) The chief executive must give an authorised person (government) an
- 3 identity card that states the person is an authorised person
- 4 (government) for this Act, or stated provisions of this Act, and
- 5 shows—
- 6 (a) a recent photograph of the person; and
- 7 (b) the name of the person; and
- 8 (c) the date of issue of the card; and
- 9 (d) an expiry date for the card; and
- 10 (e) anything else prescribed under the regulations.
- 11 (2) A person who ceases to be an authorised person (government) must
- 12 return his or her identity card to the chief executive as soon as
- 13 practicable, but within 21 days after the day the person ceases to be
- 14 an authorised person.
- 15 Maximum penalty: 1 penalty unit.
- 16 (3) An offence against subsection (2) is a strict liability offence.

17 **Division 3.6.2 Inspection powers for government**

18 **schools**

- 19 **69 Power not to be exercised before identity card shown etc**
- 20 (1) An authorised person (government) may exercise a power under this
- 21 chapter in relation to a person only if the authorised person first
- 22 shows the person his or her identity card.
- 23 (2) An authorised person (government) may not remain in a government
- 24 school entered under this division if, when asked by the principal,
- 25 the authorised person does not show his or her identity card.

1 **70 Entry to government schools**

2 An authorised person (government) may enter a government school
3 at any time.

4 **71 Powers on entry**

5 An authorised person (government) who enters a government school
6 under section 70 may inspect the school or anything in it (including
7 the register of enrolment and attendances).

8 **Division 3.6.3 Miscellaneous**

9 **72 Protection of members of school boards**

10 (1) A person who is, or has been, a member of a school board of a
11 government school is not civilly liable for an act or omission done
12 honestly in the exercise of a function under this Act.

13 (2) Any liability that would, apart from subsection (1), attach to a
14 person attaches to the Territory.

15 **73 Minister to present advice of council (government)**

16 The Minister must present a copy of advice given to the Minister
17 under section 55 (a) or (b) (Functions of council (government)) to
18 the Legislative Assembly within 6 sitting days after the day it is
19 given to the Minister.

1 **Chapter 4 Non-government schools**

2 **Part 4.1 General**

3 **74 Meaning of *school* in ch 4**

4 In this chapter:

5 *school* does not include a government school.

6 **75 Principles on which ch 4 based**

7 The following are the principles on which this chapter is based:

- 8 (a) the non-government school sector consists of schools from a
9 range of different educational and religious philosophies;
- 10 (b) the variety of schools in the sector reflects the diversity of the
11 community in the ACT and the preferences of parents for a
12 particular style of education for their children;
- 13 (c) the non-government schools sector is committed to—
- 14 (i) developing the spiritual, physical, emotional and
15 intellectual welfare of its students; and
- 16 (ii) innovation, diversity and choice; and
- 17 (iii) maximising student outcomes; and
- 18 (iv) teacher, parent and student participation in all aspects of
19 school education; and
- 20 (v) promoting the partnership between home and school; and
- 21 (vi) preparing students for their full participation in all
22 aspects of a democratic society.

1 **76 Minister to seek advice**

2 (1) Before deciding the budget priorities for non-government schools
3 each year, the Minister must ask for, and consider the advice of, the
4 Non-government Schools Education Council.

5 (2) This section does not limit the matters that the Minister may take
6 into account in deciding the budget priorities for non-government
7 schools.

8 **77 Registrar**

9 The Minister must appoint a Registrar of Non-Government Schools.

10 *Note 1* For the making of appointments (including acting appointments), see
11 Legislation Act, pt 19.3.

12 *Note 2* In particular, an appointment may be made by naming a person or
13 nominating the occupant of a position (see s 207).

14 *Note 3* Certain Ministerial appointments require consultation with a Legislative
15 Assembly committee and are disallowable (see Legislation Act,
16 div 19.3.3).

17 **78 Functions of registrar**

18 The registrar has the following functions:

- 19 (a) to register non-government schools;
20 (b) to keep a register of non-government schools;
21 (c) to exercise any other function given to the registrar under this
22 Act or any other Territory law.

23 **79 Register of non-government schools**

24 The registrar must keep a register of non-government schools.

- 1 **80 Availability of information about operation of non-**
2 **government schools and their educational programs**
- 3 (1) The principal of a non-government school must make available to
4 parents of students at the school and to the staff and students of the
5 school information about the school's educational programs and
6 policies, and the operation of the school.
- 7 (2) The principal of a non-government school must also consult parents
8 of students at the school about the operation of the school, including
9 its educational programs and policies.
- 10 **81 Approved educational courses for children at non-**
11 **government schools**
- 12 (1) The principal of a non-government school may approve educational
13 courses that may be provided to a child enrolled at the school at a
14 place other than the school.
- 15 (2) An approval may be subject to conditions.
- 16 (3) However, the principal may approve an educational course only if
17 satisfied that—
- 18 (a) the standard of the course is appropriate; and
19 (b) there are adequate facilities for conducting the course; and
20 (c) the premises where the course is to be conducted comply with
21 any relevant Territory laws about health and safety standards.

1 **Part 4.2** **Registration—non-**
2 **government schools**

3 **82 Schools to be registered**

- 4 (1) A person must not conduct a school unless it is registered or
5 provisionally registered under this part.

6 Maximum penalty: 50 penalty units.

- 7 (2) The principal of a school commits an offence if—

8 (a) the school is not registered or provisionally registered under
9 this part; and

10 (b) the school begins educating a child at any educational level.

11 Maximum penalty: 20 penalty units.

- 12 (3) The principal of a school commits an offence if—

13 (a) the school is not registered or provisionally registered under
14 this part for education at a particular education level; and

15 (b) the school begins educating a child at that education level.

16 Maximum penalty: 10 penalty units.

- 17 (4) An offence against this section is a strict liability offence.

18 **83 Applications for in-principle approval for proposed**
19 **registration**

- 20 (1) This section applies if a person intends to make application under—

21 (a) section 85 for provisional registration of a school; or

22 (b) section 89 for registration of a school at an additional
23 educational level.

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- 1 (2) The person must apply in writing to the Minister for approval (*in-*
2 *principle approval*) to apply for the proposed registration.
- 3 (3) The application for in-principle approval must be made at least
4 2 years before the day the person proposes to apply to the Minister
5 for provisional registration of the school or for registration of the
6 school at the additional educational level.
- 7 (4) The applicant must state the day (the *proposed opening day*), not
8 later than 4 years after the day the application is made to the
9 Minister, when the person proposes to begin operating the school or
10 operating the school at the additional educational level.
- 11 (5) The chief executive must publish notice of the making of the
12 application in a daily newspaper printed and published in the ACT.
- 13 (6) The notice must state that written comments on the proposed
14 registration may be made to the Minister within a stated period of at
15 least 60 days after the day the notice is published.
- 16 (7) The chief executive must make a copy of the application available
17 for inspection by members of the public at the chief executive's
18 office during ordinary business hours.

19 **84 Deciding in-principle applications**

- 20 (1) In deciding whether to give in-principle approval for the provisional
21 registration of a school, the Minister must have regard to—
- 22 (a) whether the proposed school would undermine the viability of
23 existing schools; and
- 24 (b) whether there is, or is likely to be, demand in the community
25 for the proposed school, including—
- 26 (i) any increase, or likely increase, in the number of school-
27 age children in the area where the school is to be located;
28 and

- 1 (ii) the level of registration of interest shown by the
2 community for the proposed school.
- 3 (2) In deciding whether to give in-principle approval for the registration
4 of a school at an additional educational level, the Minister must
5 have regard to—
- 6 (a) whether the provision of the additional educational level by the
7 school would undermine the viability of other existing schools;
8 and
- 9 (b) the demand for the additional educational level, including the
10 level of registration of interest shown by the community for the
11 proposed provision of the additional educational level by the
12 school.
- 13 (3) If the Minister is satisfied after considering the application, and after
14 having regard to any comments made under section 83 (6) and the
15 matters mentioned in subsection (1) or (2), that in-principle approval
16 should be given for the proposed registration, the Minister must, by
17 written notice, give the person in-principle approval for the
18 proposed application.
- 19 (4) If the Minister is not satisfied after considering the application, and
20 after having regard to any comments made under section 83 (6) and
21 the matters mentioned in subsection (1) or (2), that in-principle
22 approval should be given for the proposed registration, the Minister
23 must, by written notice, refuse to give the person in-principle
24 approval for the proposed application.
- 25 (5) A notice under subsection (3) or (4) must state the Minister's
26 reasons for giving or refusing to give in-principle approval for the
27 proposed registration.
- 28 (6) The chief executive must make a copy of the Minister's reasons
29 available for inspection by members of the public at the chief
30 executive's office during ordinary business hours.

- 1 (7) An in-principle approval lapses on whichever of the following is
2 later:
3 (a) 2 years after the day it is given;
4 (b) the proposed opening day.

5 **85 Application for provisional registration**

- 6 (1) This section applies if—
7 (a) a person has in-principle approval under section 84 to apply for
8 provisional registration of a school; and
9 (b) the person has given the registrar written notice of the person's
10 intention to apply at least the prescribed period before the first
11 day of the school year or term when it is proposed to begin
12 operating the school; and
13 (c) the in-principle approval has not lapsed.
14 (2) The person may apply in writing to the Minister for provisional
15 registration of the school.
16 (3) The application must state where the school is to be located.
17 (4) In this section:
18 *prescribed period* means—
19 (a) 6 months; or
20 (b) if the Minister approves a shorter period for the notice—that
21 period.

1 **86 Provisional registration**

2 (1) This section applies if an application is made under section 85 for
3 provisional registration of a school.

4 (2) Before deciding whether the school should be provisionally
5 registered, the Minister must appoint a panel to report to the
6 Minister on the application.

7 (3) If the Minister is satisfied after considering the panel's report that
8 the school meets the criteria mentioned in subsection (6), the
9 Minister must direct the registrar to provisionally register the
10 school.

11 *Note* Section 93 deals with the duration of provisional registration.

12 (4) If the Minister directs the registrar to provisionally register the
13 school, the registrar must provisionally register the school by—

14 (a) entering particulars of the school required under the regulations
15 in the register of non-government schools; and

16 (b) giving the proprietor of the school a certificate of provisional
17 registration for the school.

18 (5) If the Minister is not satisfied after considering the panel's report
19 that the school meets the criteria mentioned in subsection (6), the
20 Minister must direct the registrar to refuse to provisionally register
21 the school.

22 (6) The criteria for provisional registration of a school are that—

23 (a) the proprietor of the school is a corporation; and

24 (b) the school will have appropriate policies, facilities and
25 equipment for—

26 (i) the curriculum to be offered by the school; and

27 (ii) the safety and welfare of its students; and

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- 1 (c) the curriculum (including the framework of the curriculum and
2 the principles on which the curriculum is based) will meet the
3 curriculum requirements for students attending government
4 schools; and
- 5 (d) the nature and content of the education to be offered at the
6 school will be appropriate for the educational levels for which
7 provisional registration of the school is sought; and
- 8 (e) the teaching staff will be qualified to teach at the educational
9 levels at which they are to be employed to teach; and
- 10 (f) the school will have satisfactory processes to monitor quality
11 educational outcomes; and
- 12 (g) the school will be financially viable.

13 **87 Application for registration**

- 14 (1) This section applies to a school that has been provisionally
15 registered for at least 12 months.
- 16 (2) The proprietor of the school may apply in writing to the Minister for
17 registration of the school at the educational levels for which the
18 school is provisionally registered.
- 19 (3) The chief executive must publish notice of the making of the
20 application in a daily newspaper printed and published in the ACT.
- 21 (4) The chief executive must make a copy of the application for
22 registration available for inspection by members of the public at the
23 chief executive's office during ordinary business hours.

1 **88 Registration**

- 2 (1) This section applies if an application is made under section 87 for
3 registration of a school.
- 4 (2) Before deciding whether the school should be registered, the
5 Minister must appoint a panel to report to the Minister on the
6 application.
- 7 (3) If the Minister is satisfied after considering the panel's report that
8 the school meets the criteria mentioned in subsection (6), the
9 Minister must direct the registrar to register the school for a stated
10 period of not longer than 5 years.
- 11 (4) If the Minister directs the registrar to register the school, the
12 registrar must register the school by—
- 13 (a) entering particulars of the school required under the regulations
14 in the register of non-government schools; and
- 15 (b) giving the proprietor of the school a certificate of registration
16 for the school.
- 17 (5) If the Minister is not satisfied after considering the panel's report
18 that the school meets the criteria mentioned in subsection (6), the
19 Minister must direct the registrar to refuse to register the school.
- 20 (6) The criteria for registration of a school are that—
- 21 (a) the proprietor of the school is a corporation; and
- 22 (b) the school has appropriate policies, facilities and equipment
23 for—
- 24 (i) the curriculum offered by the school; and
- 25 (ii) the safety and welfare of its students; and

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- 1 (c) the curriculum (including the framework of the curriculum and
2 the principles on which the curriculum is based) meets the
3 curriculum requirements for students attending government
4 schools; and
- 5 (d) the nature and content of the education offered at the school
6 are appropriate for the educational levels for which the school
7 is provisionally registered; and
- 8 (e) the teaching staff are qualified to teach at the educational levels
9 at which they are employed to teach; and
- 10 (f) the school has satisfactory processes to monitor quality
11 educational outcomes; and
- 12 (g) the school is financially viable.

13 **89 Application for registration at additional educational**
14 **levels**

- 15 (1) This section applies if—
- 16 (a) a proprietor of a registered non-government school has in-
17 principle approval under section 84 (Deciding in-principle
18 applications) to apply to operate the school at a stated
19 additional educational level; and
- 20 (b) the proprietor has given the registrar written notice of the
21 proprietor's intention to apply at least the prescribed period
22 before the first day of the school year or term when it is
23 proposed to begin operating the school at the additional
24 educational level; and
- 25 (c) the in-principle approval has not lapsed.
- 26 (2) The proprietor of the school may apply in writing to the Minister for
27 registration of the school at the additional educational level.
- 28 (3) The chief executive must publish notice of the making of the
29 application in a daily newspaper printed and published in the ACT.

- 1 (4) The notice must state that written comments on the proposed
2 registration may be made to the Minister within a stated period of at
3 least 60 days after the day the notice is published.
- 4 (5) The chief executive must make a copy of the application available
5 for inspection by members of the public at the chief executive's
6 office during ordinary business hours.
- 7 (6) In this section:
- 8 *prescribed period* means—
- 9 (a) 6 months; or
- 10 (b) if the Minister approves a shorter period for the application—
11 that period.

12 **90 Registration at additional educational levels**

- 13 (1) This section applies if an application made under section 89 for
14 registration of a school at an additional educational level.
- 15 (2) Before deciding whether a school should be registered at the
16 additional educational level, the Minister must appoint a panel to
17 report to the Minister on the application.
- 18 (3) If the Minister is satisfied after considering the panel's report that
19 the school meets the criteria mentioned in subsection (7), the
20 Minister must direct the registrar to register the school at the
21 additional educational level.
- 22 (4) If the Minister directs the registrar to register the school at the
23 additional educational level, the registrar must register the school at
24 the additional educational level by—
- 25 (a) entering the particulars of the school required under the
26 regulations in the register of non-government schools; and

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- 1 (b) giving the proprietor of the school a certificate of registration
2 that includes the additional educational level (a *new*
3 *certificate*).
- 4 (5) If the registrar gives the proprietor a new certificate, the proprietor
5 must return the school's existing certificate of registration to the
6 registrar within 14 days after the day the proprietor receives the new
7 certificate.
- 8 (6) If the Minister is not satisfied after considering the panel's report
9 that the school meets the criteria mentioned in subsection (7), the
10 Minister must direct the registrar to refuse to register the school at
11 the additional educational level.
- 12 (7) The criteria for registration of a school at an additional educational
13 level are that—
- 14 (a) the school will have appropriate policies, facilities and
15 equipment for—
- 16 (i) the curriculum to be offered by the school at the
17 additional educational level; and
- 18 (ii) the safety and welfare of its students at the additional
19 educational level; and
- 20 (b) the curriculum (including the framework of the curriculum and
21 the principles on which the curriculum is based) meets the
22 curriculum requirements for students attending government
23 schools; and
- 24 (c) the nature and content of the education to be offered at the
25 school will be appropriate for the additional educational level;
26 and
- 27 (d) the teaching staff will be qualified to teach at the additional
28 educational level; and

1 (e) the school will have satisfactory processes to monitor quality
2 educational outcomes at the additional educational level; and

3 (f) the school will be financially viable.

4 **91 Conditions of provisional registration or registration**

5 The conditions of provisional registration or registration of a school
6 under this part are that—

7 (a) the proprietor of the school remains a corporation; and

8 (b) the school has appropriate policies, facilities and equipment
9 for—

10 (i) the curriculum offered by the school; and

11 (ii) the safety and welfare of its students; and

12 (c) the curriculum (including the framework of the curriculum and
13 the principles on which the curriculum is based) meets the
14 curriculum requirements for students attending government
15 schools; and

16 (d) the nature and content of the education offered at the school
17 are appropriate for the educational levels for which the school
18 is provisionally registered or registered; and

19 (e) the teaching staff are qualified to teach at the educational levels
20 at which they are employed to teach; and

21 (f) the school has satisfactory processes to monitor quality
22 educational outcomes; and

23 (g) the school is financially viable.

1 **92 Certificate of provisional registration or registration**

2 (1) A certificate of provisional registration or registration of a non-
3 government school must—

4 (a) state the proprietor of the school; and

5 (b) state the educational level or levels for which the school is
6 provisionally registered or registered under this part; and

7 (c) state where the school is to be located; and

8 (d) state the term of provisional registration or registration; and

9 (e) include any other particulars required under the regulations.

10 (2) The registrar may include any other particulars in the certificate that
11 the registrar considers appropriate.

12 (3) The proprietor of a registered non-government school must tell the
13 registrar in writing about a change in any of the particulars of the
14 certificate within 1 month after the day the change happens.

15 **93 Period of provisional registration and registration**

16 (1) Provisional registration of a school ends when the earliest of the
17 following happens:

18 (a) 2 years after the school is provisionally registered;

19 (b) the school is registered under section 88.

20 (2) Registration of a school is for a period not longer than 5 years stated
21 in the school's certificate of registration.

1 **94 Investigation of complaints—non-government schools**

- 2 (1) The proprietor of a non-government school must develop and
3 implement a complaints policy for the school.
- 4 (2) The proprietor of a non-government school must, as soon as
5 practicable, investigate any complaint about the administration,
6 management and operation of the school that, in the proprietor's
7 opinion, is not a frivolous or vexatious complaint.

8 **95 Cancellation of provisional registration or registration**

- 9 (1) The Minister may direct the registrar to cancel the provisional
10 registration or registration of a school if satisfied on reasonable
11 grounds—
- 12 (a) that a condition of the school's provisional registration or
13 registration has been contravened; or
- 14 (b) that the school's proprietor or principal has otherwise
15 contravened this Act.
- 16 *Note* Section 91 (Conditions of provisional registration or registration) sets
17 out the conditions of registration.
- 18 (2) Before directing the registrar to cancel the provisional registration or
19 registration of a school, the Minister must give the proprietor of the
20 school a written notice—
- 21 (a) stating the grounds on which the Minister proposes to direct
22 the registrar to cancel the provisional registration or
23 registration; and
- 24 (b) stating the facts that, in the Minister's opinion, establish the
25 grounds; and
- 26 (c) telling the proprietor that the proprietor may, within 14 days
27 beginning the day after the day the proprietor receives the
28 notice, give a written response to the Minister about the
29 matters in the notice.

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- 1 (3) In deciding whether to direct the registrar to cancel the provisional
2 registration or registration, the Minister must consider any response
3 given to the Minister in accordance with subsection (2) (c).
- 4 (4) If the Minister is satisfied that the grounds for cancelling the
5 provisional registration or registration have been established, the
6 Minister may direct the registrar to cancel the school's provisional
7 registration or registration.
- 8 (5) If the Minister directs the registrar to cancel the school's provisional
9 registration or registration, the registrar must cancel the provisional
10 registration or registration by noting the cancellation in the
11 particulars of the school in the register of non-government schools.
- 12 (6) The Minister must give the proprietor written notice of the
13 Minister's decision.
- 14 (7) Cancellation of provisional registration or registration takes effect
15 on the day when notice of the cancellation is given to the proprietor
16 or, if the notice states a later date of effect, that date.

17 **96 Application for renewal of registration**

- 18 (1) The proprietor of a non-government school that is registered under
19 this part may apply in writing to the Minister for renewal of the
20 registration.
- 21 (2) The application must be made at least the prescribed period before
22 the registration ends.
- 23 (3) In this section:
- 24 *prescribed period* means—
- 25 (a) 6 months; or
- 26 (b) if the Minister approves a shorter period—that period.

1 **97 Renewal of registration**

- 2 (1) This section applies if application is made under section 96 for
3 renewal of registration of a school.
- 4 (2) Before deciding whether the registration of a school should be
5 renewed, the Minister must appoint a panel to report to the Minister
6 on the application.
- 7 (3) If the Minister is satisfied, after considering the panel's report, that
8 the school meets the criteria mentioned in subsection (6), the
9 Minister must direct the registrar to renew the registration of the
10 school for a stated period of not longer than 5 years.
- 11 (4) If the Minister directs the registrar to renew the registration of the
12 school, the registrar must renew the registration by—
- 13 (a) entering the particulars of the school required under the
14 regulations in the register of non-government schools; and
- 15 (b) giving the proprietor of the school a certificate of registration
16 for the school.
- 17 (5) If the Minister is not satisfied, after considering the panel's report,
18 that the school meets the criteria mentioned in subsection (6), the
19 Minister must direct the registrar to refuse to renew the registration
20 of the school.
- 21 (6) The criteria for renewal of registration of a school are that—
- 22 (a) the proprietor of the school remains a corporation; and
- 23 (b) the school has appropriate policies, facilities and equipment
24 for—
- 25 (i) the curriculum offered by the school; and
- 26 (ii) the safety and welfare of its students; and

- 1 (c) the curriculum (including the framework of the curriculum and
2 the principles on which the curriculum is based) meets the
3 curriculum requirements for students attending government
4 schools; and
- 5 (d) the nature and content of the education offered at the school
6 are appropriate for the educational levels for which the school
7 is provisionally registered or registered; and
- 8 (e) the teaching staff are qualified to teach at the educational levels
9 at which they are employed to teach; and
- 10 (f) the school has satisfactory processes to monitor quality
11 educational outcomes; and
- 12 (g) the school is financially viable.

1 **Part 4.3** **Attendance at non-**
2 **government schools**

3 **98 Keeping of register of enrolments and attendances for**
4 **non-government schools**

- 5 (1) The principal of a non-government school, or the person giving an
6 approved educational course (non-government), commits an offence
7 if the principal or person fails to keep a register of enrolments and
8 attendances

9 Maximum penalty: 10 penalty units.

- 10 (2) An offence against this section is a strict liability offence.

11 **99 Keeping records of enrolment and attendances for non-**
12 **government schools**

- 13 (1) The principal of a non-government school, or the person giving an
14 approved educational course (non-government), must ensure that the
15 following information is entered in the register of enrolments and
16 attendances:

- 17 (a) the full name of each child enrolled at the school or course;
18 (b) a record of the attendance or nonattendance of the child at the
19 school or course on every day when the school or course is
20 open for attendance.

21 Maximum penalty: 10 penalty units.

- 22 (2) The principal of a non-government school, or the person giving an
23 approved educational course (non-government), commits an offence
24 if—

- 25 (a) the principal or person makes an entry in the register of
26 enrolments and attendances; and

1 (b) the principal or person is reckless about whether the entry is
2 correct.

3 Maximum penalty: 10 penalty units.

4 (3) An offence against subsection (1) is a strict liability offence.

5 **100 Inspection of register of enrolment and attendances for**
6 **non-government schools**

7 (1) The principal of a non-government school, or the person giving an
8 approved educational course (non-government), commits an offence
9 if—

10 (a) an authorised person (non-government) asks the principal or
11 person to make the register of enrolments and attendances
12 available to the authorised person; and

13 (b) the principal or person fails to make the register available as
14 asked.

15 Maximum penalty: 10 penalty units.

16 (2) The principal of a non-government school, or the person giving an
17 approved educational course (non-government), commits an offence
18 if—

19 (a) the chief executive or an authorised person (non-government)
20 asks the principal or the person to give the chief executive or
21 authorised person stated information about enrolments or
22 attendances of children at the school or course during a stated
23 period or at a stated time; and

24 (b) the principal or person fails to give the information in
25 accordance with the request.

26 Maximum penalty: 50 penalty units.

27 (3) An authorised person (non-government) may make copies of the
28 register of enrolments and attendances or any part of the register.

1 (4) The principal of a non-government school, or the person giving an
2 approved educational course (non-government), must take
3 reasonable steps to assist an authorised person (non-government) in
4 exercising functions under this section.

5 (5) An offence against this section is a strict liability offence.

6 **101 Procedures to encourage attendance at non-government**
7 **schools**

8 (1) The principal of a non-government school must set up procedures—

9 (a) to encourage children to attend school regularly; and

10 (b) to help parents to encourage their children to attend school
11 regularly.

12 (2) The principal must refer parents and children to support services
13 that encourage children to attend school regularly when the
14 procedures mentioned in subsection (1) are not successful.

15 (3) If a child enrolled at a non-government school has not been
16 attending school regularly, the principal of the school may, by
17 written notice, require the child's parents and the child to meet with
18 an authorised person (non-government) at a stated place and time.

19 **102 Reporting to parents—non-government schools**

20 (1) The principal of a non-government school must set up procedures
21 for giving reports to the parents of a child enrolled at the school
22 about the child's academic progress and social development at the
23 school.

24 (2) A report must be given to the child's parents at least twice a year.

- 1 **103 Suspension or exclusion of children—Catholic systemic**
2 **schools**
- 3 (1) This section applies if—
- 4 (a) a child attending a non-government school that is a Catholic
5 systemic school—
- 6 (i) is persistently and wilfully noncompliant; or
- 7 (ii) threatens to be violent or is violent to another child
8 attending the school, a member of the staff of the school
9 or anyone else involved in the school’s operation; or
- 10 (iii) acts in a way that otherwise threatens the good order of
11 the school or the safety or wellbeing of another child
12 attending the school, a member of staff of the school or
13 anyone else involved in the school’s operation; or
- 14 (iv) displays behaviour that is disruptive to the child’s
15 learning or that of other children; and
- 16 (b) the principal of the school is satisfied that action should be
17 taken under this section.
- 18 (2) The principal may recommend to the director that the director—
- 19 (a) suspend the child from the school for a stated period of not
20 longer than 20 days; or
- 21 (b) transfer the child to another Catholic systemic school; or
- 22 (c) exclude the child from all Catholic systemic schools.
- 23 (3) After considering the principal’s recommendation, the director
24 may—
- 25 (a) give effect to the recommendation; or
- 26 (b) take any other action mentioned in subsection (2) that the
27 director considers appropriate; or

- 1 (c) suspend the child for not longer than 20 days.
- 2 (4) The director may exclude the child only if—
- 3 (a) the child’s parents have been given an opportunity to be
4 consulted, and told in writing, about the proposed exclusion of
5 the child and the reasons for it; and
- 6 (b) the child has been given a reasonable opportunity to attend
7 counselling, undertake relevant educational programs or
8 receive other appropriate assistance; and
- 9 (c) as far as the child’s maturity and capacity for understanding
10 allow, the participation of the child has been sought, and any
11 views of the child considered, in deciding whether to exclude
12 the child; and
- 13 (d) the child has been given sufficient information about the
14 decision-making process, in a language and way that the child
15 can understand, to allow the child to take part in the process;
16 and
- 17 (e) the child has been offered information about alternatives for
18 continuing the child’s education after the exclusion.
- 19 (5) The director may suspend or transfer the child only if—
- 20 (a) the child’s parents have been given an opportunity to be
21 consulted, and told in writing, about the proposed suspension
22 or transfer of the child and the reasons for it; and
- 23 (b) as far as the child’s maturity and capacity for understanding
24 allow, the participation of the child has been sought, and any
25 views of the child considered, in deciding whether to suspend
26 or transfer the child; and

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- 1 (c) the child has been given sufficient information about the
2 decision-making process, in a language and way that the child
3 can understand, to allow the child to take part in the process;
4 and
- 5 (d) the child has been given a reasonable opportunity to continue
6 the child's education during the suspension.
- 7 (6) Despite subsection (5), the director may immediately suspend the
8 child for not longer than 5 days if, in the director's opinion, the
9 circumstances are of such urgency or seriousness to require the
10 child's immediate suspension.
- 11 (7) However, before suspending the child under subsection (6), the
12 director must comply with the requirements of subsection (5) (a) to
13 (d) to the extent that it is practicable and appropriate to do so.
- 14 (8) To remove any doubt, the director may suspend the child under
15 subsection (6) while deciding what other action (if any) should be
16 taken in relation to the child under this section.
- 17 (9) The director may delegate the director's power to suspend a child
18 from a school for not longer than 5 days to the principal of the
19 school.
- 20 *Note* For the making of delegations and the exercise of delegated functions,
21 see Legislation Act, pt 19.4.
- 22 (10) If the director excludes a child from all Catholic systemic schools,
23 the director must give the registrar written notice of the exclusion.
- 24 (11) In this section:
- 25 *director* means the person occupying the position prescribed under
26 the regulations.

1 **104 Suspension or exclusion of children—other non-**
2 **government schools**

- 3 (1) This section applies if—
- 4 (a) a child attending a non-government school (other than a
5 Catholic systemic school)—
- 6 (i) is persistently and wilfully noncompliant; or
- 7 (ii) threatens to be violent or is violent to another child
8 attending the school, a member of the staff of the school
9 or anyone else involved in the school's operation; or
- 10 (iii) acts in a way that otherwise threatens the good order of
11 the school or the safety or wellbeing of another child
12 attending the school, a member of staff of the school or
13 anyone else involved in the school's operation; or
- 14 (iv) displays behaviour that is disruptive to the child's
15 learning or that of other children; and
- 16 (b) the principal of the school is satisfied that action should be
17 taken under this section.
- 18 (2) The principal may—
- 19 (a) suspend the child from the school for a stated period of not
20 longer than 20 days; or
- 21 (b) exclude the child from the school.
- 22 (3) The principal may exclude the child only if—
- 23 (a) the child's parents have been given an opportunity to be
24 consulted, and told in writing, about the proposed exclusion of
25 the child and the reasons for it; and
- 26 (b) the child has been given a reasonable opportunity to attend
27 counselling, undertake relevant educational programs or
28 receive other appropriate assistance; and

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- 1 (c) as far as the child's maturity and capacity for understanding
2 allow, the participation of the child has been sought, and any
3 views of the child considered, in deciding whether to exclude
4 the child; and
- 5 (d) the child has been given sufficient information about the
6 decision-making process, in a language and way that the child
7 can understand, to allow the child to take part in the process;
8 and
- 9 (e) the child has been offered information about alternatives for
10 continuing the child's education after the exclusion.
- 11 (4) The principal may suspend the child only if—
- 12 (a) the child's parents have been given an opportunity to be
13 consulted, and told in writing, about the proposed suspension
14 of the child and the reasons for it; and
- 15 (b) as far as the child's maturity and capacity for understanding
16 allow, the participation of the child has been sought, and any
17 views of the child considered, in deciding whether to suspend
18 the child; and
- 19 (c) the child has been given sufficient information about the
20 decision-making process, in a language and way that the child
21 can understand, to allow the child to take part in the process;
22 and
- 23 (d) the child has been given a reasonable opportunity to continue
24 the child's education during the suspension.
- 25 (5) Despite subsection (4), the principal may immediately suspend a
26 child for not longer than 5 days if, in the principal's opinion, the
27 circumstances are of such urgency or seriousness to require the
28 child's immediate suspension.

- 1 (6) However, before suspending a child under subsection (5), the
2 principal must comply with the requirements of subsection (4) (a) to
3 (d) to the extent that it is practicable and appropriate to do so.
- 4 (7) To remove any doubt, the principal may suspend the child under
5 subsection (5) while deciding what other action (if any) should be
6 taken in relation to the child under this section.
- 7 (8) If the principal of the school excludes a child from the school, the
8 principal must give the registrar written notice of the exclusion.

1 **Part 4.4** **Non-government Schools**
2 **Education Council**

3 **Division 4.4.1** **Establishment and membership**

4 **105** **Establishment of council (non-government)**

5 The Non-government Schools Education Council (in this part called
6 the *council*) is established.

7 **106** **Functions of council (non-government)**

8 The functions of the council are—

- 9 (a) to advise the Minister on any aspect of non-government
10 schooling; and
11 (b) when asked by the Minister under this paragraph, to inquire
12 into and give advice to the Minister on any aspect of non-
13 government schooling; and
14 (c) to meet with the Government Schools Education Council to
15 discuss matters of mutual interest; and
16 (d) to exercise any other function given to the council under this
17 Act or any other Territory law.

18 *Note* The Minister must present a copy of any advice to the Legislative
19 Assembly (see s 126).

20 **107** **Membership of council (non-government)**

21 The council consists of the members appointed under section 108.

1 **108 Members of council (non-government)**

- 2 (1) The Minister must appoint the following members of the council:
- 3 (a) a chairperson;
- 4 (b) 4 people who, in the Minister's opinion, represent the views of
5 the general community (the *community members*);
- 6 (c) 6 people who, in the Minister's opinion, represent the views of
7 non-government school education (the *education members*).

8 (2) For subsection (1) (c), the Minister must appoint—

- 9 (a) 3 education members chosen from nominations of
10 organisations representing Catholic schools; and
- 11 (b) 1 education member chosen from nominations of organisations
12 representing non-Catholic independent schools; and
- 13 (c) 1 education member chosen from nominations of the non-
14 government school union; and
- 15 (d) 1 education member chosen from nominations of organisations
16 representing parent associations of non-government schools.

17 *Note 1* For the making of appointments (including acting appointments), see
18 Legislation Act, pt 19.3.

19 *Note 2* In particular, an appointment may be made by naming a person or
20 nominating the occupant of a position (see s 207).

21 *Note 3* Certain Ministerial appointments require consultation with a Legislative
22 Assembly committee and are disallowable (see Legislation Act,
23 div 19.3.3).

24 **109 Deputy chairperson of council (non-government)**

- 25 (1) The members of the council must, whenever necessary, elect
26 another member to be deputy chairperson.
- 27 (2) The council must tell the Minister of the election of the member as
28 deputy chairperson.

1 **110 Term of appointment to council (non-government)**

2 (1) A member of the council is to be appointed for a term not longer
3 than 3 years.

4 (2) The instrument appointing, or evidencing the appointment of, a
5 member of the council must state whether the person is appointed as
6 chairperson or a community or education member.

7 *Note* A person may be reappointed to a position if the person is eligible to be
8 appointed to the position (see Legislation Act, s 208 and dict, pt 1, def
9 *appoint*).

10 **111 Ending of appointment to council (non-government)**

11 (1) The Minister may end the appointment of a member of the
12 council—

13 (a) for misbehaviour; or

14 (b) for contravening section 116 (Disclosure of interests by
15 members of council (non-government)).

16 (2) The Minister may also end the appointment of an education member
17 if satisfied that the person no longer represents the views of the
18 organisation from which the person was chosen.

19 *Note* A person's appointment also ends if the person resigns (see Legislation
20 Act s 210).

21 **112 Conditions of appointment generally of council (non-
22 government) members**

23 A member of the council holds the position on the conditions not
24 provided by this Act or another Territory law that are decided by the
25 Minister.

1 **113 Arrangements for staff**

2 (1) The council (non-government) may arrange with the chief executive
3 to use public servants in the administrative unit under the chief
4 executive's control.

5 (2) The *Public Sector Management Act 1994* applies to the management
6 by the council (non-government) of public servants the subject of an
7 arrangement under subsection (1).

8 **Division 4.4.2 Proceedings of council (non-**
9 **government)**

10 **114 Time and place of meetings of council (non-government)**

11 (1) The council meets at the times and places it decides.

12 (2) However, the council must meet at least twice a year.

13 **115 Proceedings of council (non-government)**

14 (1) The council must keep minutes of its meetings.

15 (2) The council may conduct its proceedings (including its meetings) as
16 it considers appropriate.

17 **116 Disclosure of interests by members of council (non-**
18 **government)**

19 (1) This section applies to a member of the council if—

20 (a) the member has a direct or indirect financial interest in an issue
21 being considered, or about to be considered, by the council;
22 and

23 (b) the interest could conflict with the proper exercise of the
24 member's functions in relation to the council's consideration of
25 the issue.

- 1 (2) As soon as practicable after the relevant facts come to the member's
2 knowledge, the member must disclose the nature of the interest to a
3 meeting of the council.
- 4 (3) The disclosure must be recorded in the council's minutes and, unless
5 the council otherwise decides, the member (the *first member*) must
6 not—
- 7 (a) be present when the council considers the issue; or
8 (b) take part in a decision of the council on the issue.
- 9 (4) Any other member who also has a direct or indirect financial interest
10 in the issue must not—
- 11 (a) be present when the council is considering its decision under
12 subsection (3) in relation to the first member; or
13 (b) take part in making the decision.
- 14 (5) Within 14 days after the end of each financial year, the chairperson
15 of the council must give the Minister a statement of any disclosure
16 of interest made under this section during the financial year.

17 **117 Annual report by council (non-government)**

- 18 (1) As soon as practicable after the end of each financial year (but not
19 later than the date decided by the Minister), the council must give
20 the Minister a report about its operations for the financial year.
- 21 (2) The Minister must present a copy of the report under this section to
22 the Legislative Assembly within 6 sitting days after the day the
23 Minister receives the report.

1 **Part 4.5** **Other provisions**

2 **Division 4.5.1** **Authorised persons (non-**
3 **government)**

4 **118 Appointment of authorised persons (non-government)**

- 5 (1) The chief executive may appoint a person to be an authorised person
6 (non-government) for this chapter or a provision of this chapter.

7 *Note* For the making of appointments (including acting appointments), see
8 Legislation Act, pt 19.3.

- 9 (2) The regulations may prescribe a person to be an authorised person
10 (non-government) for this chapter or a provision of this chapter.

- 11 (3) A person may be appointed as an authorised person (non-
12 government) under subsection (1) only if—

13 (a) the person is an Australian citizen or a permanent resident of
14 Australia; and

15 (b) the chief executive is satisfied that the person is a suitable
16 person to be appointed, having regard in particular to—

17 (i) whether the person has any criminal convictions; and

18 (ii) the person's employment record; and

19 (c) the person has satisfactorily completed adequate training to
20 exercise the powers of an authorised person (non-government)
21 proposed to be given to the person.

- 1 **119 Identity cards for authorised persons (non-government)**
- 2 (1) The chief executive must give an authorised person (non-
- 3 government) an identity card that states the person is an authorised
- 4 person (non-government) for this chapter, or stated provisions of
- 5 this chapter, and shows—
- 6 (a) a recent photograph of the person; and
- 7 (b) the name of the person; and
- 8 (c) the date of issue of the card; and
- 9 (d) an expiry date for the card; and
- 10 (e) anything else prescribed under the regulations.
- 11 (2) A person who ceases to be an authorised person (non-government)
- 12 must return his or her identity card to the chief executive as soon as
- 13 practicable, but within 21 days after the day the person ceases to be
- 14 an authorised person.
- 15 Maximum penalty: 1 penalty unit.
- 16 (3) An offence against subsection (2) is a strict liability offence.

17 **Division 4.5.2 Inspection powers for**

18 **non-government schools**

- 19 **120 Power not to be exercised before identity card shown etc**
- 20 (1) An authorised person (non-government) may exercise a power
- 21 under this chapter in relation to a person only if the authorised
- 22 person first shows the person his or her identity card.
- 23 (2) An authorised person (non-government) may not remain in a non-
- 24 government school entered under this division if, when asked by the
- 25 principal, the authorised person does not show his or her identity
- 26 card.

1 **121 Entry to non-government schools for inspections**

2 To find out whether this Act is being complied with, an authorised
3 person (non-government) may enter a non-government school at any
4 time when it is being used as a school under this Act.

5 **122 Entry to non-government schools with consent**

6 (1) An authorised person (non-government) may enter a non-
7 government school at any other time if the principal of the school
8 consents to the entry.

9 (2) An authorised person (non-government) may, without the
10 principal's consent, enter the non-government school to ask for
11 consent to enter the school.

12 **123 Consent to entry**

13 (1) This section applies if an authorised person (non-government)
14 intends to ask the principal of a non-government school to consent
15 to the authorised person entering the school.

16 (2) Before asking for the consent, the authorised person (non-
17 government) must tell the principal—

18 (a) the reason for the entry; and

19 (b) that the principal is not required to consent.

20 (3) If the consent is given, the authorised person (non-government)
21 must ask the principal to sign an acknowledgment of the consent.

22 (4) The acknowledgment must state that—

23 (a) the principal was told—

24 (i) the reason for the entry; and

25 (ii) that the principal is not required to consent; and

- 1 (b) the principal gives an authorised person (non-government)
2 consent to enter the school and exercise powers under this
3 chapter; and
- 4 (c) the time and date the consent was given.
- 5 (5) If the principal signs an acknowledgment of consent, the authorised
6 person (non-government) must immediately give a copy to the
7 principal.
- 8 (6) A court may assume that the principal did not consent if—
- 9 (a) a question arises, in a proceeding in the court, whether the
10 principal consented to the authorised person (non-government)
11 entering the school under this chapter; and
- 12 (b) an acknowledgment under this section is not produced in
13 evidence for the entry; and
- 14 (c) it is not proved that the principal consented to the entry.

15 **124 Powers on entry**

16 An authorised person (non-government) who enters a non-
17 government school under section 121 (Entry to non-government
18 schools for inspections) or section 122 (Entry to non-government
19 schools with consent) may inspect the school or anything in it
20 (including the register of enrolments and attendances).

21 **Division 4.5.3 Miscellaneous**

22 **125 Inspection of register of non-government schools**

- 23 (1) A person may, without charge, inspect the register of non-
24 government schools during the office hours of the office of the chief
25 executive.
- 26 (2) A person may, on payment of the reasonable copying costs, obtain a
27 copy of all or part of the register.

1 **126 Minister to present advice of council (non-government)**

2 The Minister must present a copy of advice given to the Minister
3 under section 106 (a) or (b) (Functions of council (non-
4 government)) to the Legislative Assembly within 6 sitting days after
5 the day it is given to the Minister.

1 **Chapter 5 Home education**

2 **Part 5.1 General**

3 **127 Principles on which ch 5 based**

4 The following are the principles on which this chapter is based:

- 5 (a) parents have the right to choose a suitable educational
6 environment for their children;
- 7 (b) there is a diversity of religious and educational philosophies
8 held by parents providing home education for their children;
- 9 (c) the diversity of educational philosophies reflects the diversity
10 of preferences of parents for particular forms of education for
11 their children;
- 12 (d) home education is committed to—
- 13 (i) offering a broad range of opportunities that foster in each
14 child the development of the child's unique spiritual,
15 emotional, physical, social and intellectual being; and
- 16 (ii) valuing the individual needs, interests and aptitudes of
17 each child; and
- 18 (iii) preparing each child to become an independent and
19 effective local and global citizen.

1 **Part 5.2** **Registration—home education**

2 **128** **Meaning of *home education***

3 In this Act:

4 *home education*, in relation to a child, means education conducted
5 by 1 or both of the child's parents mainly in the child's home.

6 **129** **Provisional registration for home education**

7 (1) If the parents of a child apply in writing to the chief executive for
8 provisional registration of the child for home education, the chief
9 executive must provisionally register the child for home education.

10 (2) Provisional registration for home education ends 6 months after the
11 day the provisional registration begins.

12 **130** **Registration for home education**

13 (1) This section applies if—

14 (a) a child is provisionally registered for home education under
15 section 129; and

16 (b) the parents of the child apply in writing to the chief executive
17 for registration for home education; and

18 (c) the application is made not earlier than 3 months after the day
19 the child was provisionally registered for home education.

20 (2) Also, this section applies if—

21 (a) the parents of a child apply in writing to the chief executive for
22 registration for home education; and

23 (b) immediately before the application, the child was registered or
24 approved (however described) under the law of a State or
25 another Territory for home education.

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1 (3) The chief executive may register the child for home education for a
2 period of not longer than 2 years if satisfied that the conditions for
3 registration will be complied with.

4 (4) To decide whether the conditions for registration will be complied
5 with, an authorised person (government) may inspect any education
6 programs, materials or other records proposed to be used for the
7 home education.

8 **131 Conditions of registration for home education**

9 The registration of a child for home education is subject to the
10 following conditions:

11 (a) the parents of the child are to provide high-quality education
12 for the child;

13 (b) the parents of the child must document the educational
14 opportunities offered by the parents to their child and the
15 strategies they use to encourage their child to learn.

16 **132 Registration of child**

17 (1) If the chief executive approves the registration of a child for home
18 education, the chief executive must—

19 (a) enter the particulars prescribed under the regulations in the
20 home education register kept under section 138 (Home
21 education register); and

22 (b) give the parents of the child a certificate of registration for the
23 child.

24 (2) The certificate of registration must state the period for which the
25 child is registered for home education.

1 **133 Period of registration**

2 Registration of a child for home education is for the period (not
3 longer than 2 years) stated in the certificate of registration.

4 **134 Cancellation of registration for home education**

- 5 (1) The chief executive may cancel the registration of a child for home
6 education if the chief executive is satisfied on reasonable grounds
7 that a parent has contravened a condition of the registration.
- 8 (2) Before cancelling registration, the chief executive must give the
9 parents a written notice—
- 10 (a) stating the grounds on which the chief executive proposes to
11 cancel the registration; and
- 12 (b) stating the facts that, in the chief executive's opinion, establish
13 the grounds; and
- 14 (c) telling the parents that they may, within 14 days beginning the
15 day after the day they receive the notice, give a written
16 response to the chief executive about the matters in the notice.
- 17 (3) In deciding whether to cancel registration, the chief executive must
18 consider any response given to the chief executive in accordance
19 with subsection (2) (c).
- 20 (4) The chief executive must give the parents written notice of the
21 decision.
- 22 (5) Cancellation of registration takes effect on the day when notice of
23 the cancellation is given to the parents or, if the notice states a later
24 date of effect, that date.

1 **135 Certificate of registration for home education**

2 A certificate of registration for home education must state—

- 3 (a) the name of the child registered for home education; and
4 (b) the names of the child's parents; and
5 (c) where the home education is to be given and the parts of the
6 premises to be used for the home education; and
7 (d) the period of registration; and
8 (e) the conditions of registration; and
9 (f) any other particulars prescribed under the regulations.

10 **136 Renewal of registration for home education**

11 (1) The parents of a child who is registered for home education under
12 this part may apply in writing to the chief executive for renewal of
13 the registration.

14 (2) The application must be made at least the prescribed period before
15 the registration ends.

16 (3) The chief executive may renew the registration of the child for home
17 education for a period of not longer than 2 years if satisfied that the
18 conditions for registration will be complied with.

19 (4) In this section:

20 *prescribed period* means—

- 21 (a) 6 months; or
22 (b) if the chief executive approves a shorter period—that period.

1 **137 Home education reports**

2 The parents of a child registered for home education must give the
3 chief executive a report about the educational progress of the child
4 once every year.

5 **138 Home education register**

6 The chief executive must keep a register of children registered for
7 home education.

1 **Part 5.3** **Inspection powers for home**
2 **education premises**

3 **139 Power not to be exercised before identity card shown etc**

4 (1) An authorised person (government) may exercise a power under this
5 chapter in relation to a person only if the authorised person first
6 shows the person his or her identity card.

7 (2) An authorised person (government) may not remain on premises
8 entered under this chapter if, when asked by the occupier, the
9 authorised person does not show his or her identity card.

10 **140 Entry to home education premises with consent**

11 (1) An authorised person (government) may enter premises where a
12 child is registered for home education if a parent of the child
13 consents to the entry.

14 (2) An authorised person (government) may, without a parent's consent,
15 enter land around the premises to ask for consent to enter the
16 premises.

17 **141 Consent to entry**

18 (1) This section applies if an authorised person (government) intends to
19 ask the parent of a child to consent to the person entering premises
20 where the child is registered for home education.

21 (2) Before asking for the consent, the authorised person (government)
22 must tell the parent—

23 (a) the reason for the entry; and

24 (b) that the parent is not required to consent.

- 1 (3) If the consent is given, the authorised person (government) may ask
2 the parent to sign an acknowledgment of the consent.
- 3 (4) The acknowledgment must state that—
- 4 (a) the parent was told—
- 5 (i) the reason for the entry; and
- 6 (ii) that the parent is not required to consent; and
- 7 (b) the parent gives an authorised person (government) consent to
8 enter the place and exercise powers under this chapter; and
- 9 (c) the time and date the consent was given.
- 10 (5) If the parent signs an acknowledgment of consent, the authorised
11 person (government) must immediately give a copy to the parent.
- 12 (6) A court may assume that the parent did not consent if—
- 13 (a) a question arises, in a proceeding in the court, whether the
14 parent consented to the authorised person (government)
15 entering the premises under this chapter; and
- 16 (b) an acknowledgment under this section is not produced in
17 evidence for the entry; and
- 18 (c) it is not proved that the parent consented to the entry.

19 **142 Powers on entry**

20 An authorised person (government) who enters premises under
21 section 140 (Entry to home education premises with consent) may
22 inspect the parts of premises stated in a certificate of registration for
23 home education as the parts of the premises to be used for home
24 education or anything in them.

1 **Chapter 6 Miscellaneous**

2 **Part 6.1 Review of decisions**

3 **143 Meaning of *reviewable decisions* for pt 6.1**

4 In this part:

5 *reviewable decision* means—

- 6 (a) a decision of the Minister mentioned in schedule 1, part 1.1,
7 column 3 under a provision of this Act mentioned in
8 schedule 1, part 1.1, column 2; or
- 9 (b) a decision of the chief executive mentioned in schedule 1,
10 part 1.2, column 3 under a provision of this Act mentioned in
11 schedule 1, part 1.2, column 2.

12 **144 Notice of decisions to be given to affected people**

- 13 (1) If the Minister makes a reviewable decision, the Minister must give
14 written notice of the decision to each person mentioned in
15 schedule 1, part 1.1, column 4 in relation to the decision.
- 16 (2) If the chief executive makes a reviewable decision, the chief
17 executive must give written notice of the decision to each person
18 mentioned in schedule 1, part 1.2, column 4 in relation to the
19 decision.
- 20 (3) A notice must be in accordance with the requirements of the code of
21 practice in force under the *Administrative Appeals Tribunal*
22 *Act 1989*, section 25B (1).

1 **145 Who may apply for internal review of decisions**

- 2 (1) A person whose interests are affected by a reviewable decision may
3 apply in writing to the decision-maker for internal review of the
4 decision.
- 5 (2) The decision-maker must arrange for someone else (the *internal*
6 *reviewer*) to review the decision.
- 7 (3) However, this section does not apply to a reviewable decision made
8 personally by the Minister or chief executive.

9 **146 Applications for internal review**

- 10 (1) An application for internal review of a reviewable decision must be
11 made within—
- 12 (a) 28 days after the day the applicant is told about the decision by
13 the decision-maker; or
- 14 (b) any longer period allowed by the internal reviewer, either
15 before or after the end of the 28 days.
- 16 (2) The application must set out the grounds on which internal review
17 of the decision is sought.
- 18 (3) The making of the application for internal review of the decision
19 does not affect the operation of the decision.

20 **147 Internal review**

- 21 (1) The internal reviewer must review the reviewable decision, and
22 confirm, vary or revoke the decision, within 28 days after the
23 decision-maker receives the application for internal review of the
24 decision.
- 25 (2) If the decision is not varied or revoked within the 28 days, the
26 decision is taken to have been confirmed by the internal reviewer.

Section 148

1 (3) As soon as practicable after reviewing the decision, the internal
2 reviewer must give written notice of the decision on the internal
3 review to the applicant.

4 (4) The notice must be in accordance with the requirements of the code
5 of practice in force under the *Administrative Appeals Tribunal Act*
6 *1989*, section 25B (1).

7 **148 Review by administrative appeals tribunal of certain**
8 **decisions**

9 A person may apply in writing to the administrative appeals tribunal
10 for review of—

11 (a) a decision made by an internal reviewer; or

12 (b) a reviewable decision made personally by the Minister or the
13 chief executive.

1 **Part 6.2** **Other provisions**

2 **149 Preschools**

3 In exercising functions in relation to a government preschool, the
4 chief executive must take the steps necessary to encourage, and give
5 opportunities to, parents of children attending the preschool to
6 participate in the conduct of the preschool.

7 **150 Offences on school premises**

8 (1) A person must not trespass on school premises.

9 Maximum penalty: 5 penalty units.

10 (2) A person commits an offence if the person behaves in an offensive
11 or disorderly way on school premises.

12 Maximum penalty: 10 penalty units.

13 (3) A person commits an offence if the person—

14 (a) is on school premises; and

15 (b) is directed to leave the premises by a police officer, the
16 principal of the school or a person authorised by the principal;
17 and

18 (c) fails to leave the premises in accordance with the direction.

19 Maximum penalty: 10 penalty units.

20 (4) An offence against this section is a strict liability offence.

21 (5) In this section:

22 *school premises* means land (including any building or structure on
23 the land) occupied by a school.

1 **151 Obligations on parents**

2 (1) For this Act, if an obligation is expressed to apply to the parents of a
3 child it is sufficient for any parent of the child to carry out the
4 obligation.

5 (2) For this Act, if an obligation is expressed to apply to the parents of a
6 child and no parent carries out the obligation, each parent is liable
7 for the failure to carry out the obligation.

8 **152 Notification of parents**

9 For this Act, if notice is required to be given to the parents of a
10 child, or there is an obligation to ask or tell the parents of a child
11 something, it is sufficient if a parent of the child is given notice or
12 asked or told the thing.

13 **153 Minister may grant scholarships etc**

14 (1) The Minister may give bursaries, exhibitions, free places, prizes,
15 scholarships or other forms of assistance or reward to be used for—

16 (a) the benefit of a student at a government school, or at a college
17 or university in the ACT; or

18 (b) the benefit of a government school, or a college or university in
19 the ACT; or

20 (c) a child registered for home education in the ACT.

21 **Example for par (b)**

22 a fund to provide for a teacher with particular skills to teach at a particular
23 government school

24 *Note* An example is part of the Act, is not exhaustive and may extend, but
25 does not limit, the meaning of the provision in which it appears (see
26 Legislation Act, s 126 and s 132).

27 (2) To remove any doubt, this section does not appropriate public
28 money.

1 **154 Gifts and donations**

- 2 (1) This section applies if the Minister is satisfied that a condition
3 attached to, or a purpose of, a gift or bequest of property to the
4 Territory on trust for educational purposes (the *original trust*) is
5 inappropriate, impracticable, or impossible to comply with.
- 6 (2) The Minister may, in writing, declare the property the subject of the
7 original trust is subject to another trust.
- 8 (3) The declaration must state of the purposes of the other trust.
- 9 (4) In making the declaration, the Minister must ensure that the property
10 is dealt with as nearly as is practicable for the purposes for which it
11 was held immediately before the declaration, except so far as it is
12 inappropriate, impracticable, or impossible to do so.
- 13 (5) When the declaration commences, the original trust ceases and the
14 property is taken to be held by the Territory in trust for the purposes
15 stated in the declaration.
- 16 (6) A declaration is a notifiable instrument.

17 *Note* A notifiable instrument must be notified under the Legislation Act.

18 **155 Education trust fund**

- 19 (1) The Minister must keep and administer a fund called the education
20 trust fund.
- 21 (2) The assets of the fund may only be used in accordance with this
22 section.
- 23 (3) The chief executive must open and maintain under the *Financial*
24 *Management Act 1996*, section 51 (Departmental trust banking
25 accounts) a trust account with an authorised deposit-taking
26 institution (the *education trust account*) to be used only for the
27 fund.

Section 156

- 1 (4) The account consists of—
- 2 (a) money held by the Territory in trust in relation to anything
- 3 mentioned in section 153 (Minister may grant scholarships
- 4 etc); and
- 5 (b) any other money that may be lawfully paid into the fund.
- 6 (5) The fund may be used only for the following purposes:
- 7 (a) promoting education;
- 8 (b) giving bursaries, exhibitions, free places, prizes, scholarships
- 9 or other forms of assistance or reward for a benefit mentioned
- 10 in section 153;
- 11 (c) any other purpose prescribed under the regulations.

12 **156 Approved forms**

- 13 (1) The Minister may approve forms for this Act.
- 14 (2) If the Minister approves a form for a particular purpose, the
- 15 approved form must be used for that purpose.

16 *Note* For other provisions about forms, see Legislation Act, s 255.

- 17 (3) An approved form is a notifiable instrument.

18 *Note* A notifiable instrument must be notified under the Legislation Act.

19 **157 Regulation-making power**

- 20 (1) The Executive may make regulations for this Act.

21 *Note* Regulations must be notified, and presented to the Legislative

22 Assembly, under the Legislation Act.

- 23 (2) The regulations may also prescribe offences for contraventions of
- 24 the regulations and prescribe maximum penalties of not more than
- 25 10 penalty units for offences against the regulations.

1 **Chapter 7** **Transitional provisions**

2 **Part 7.1** **Assets and liabilities of former**
3 **authority**

4 **158** **Meaning of *former authority***

5 In this part:

6 *former authority* means the authority under the *Schools Authority*
7 *Act 1976* (repealed).

8 **159** **Vesting of assets and liabilities of former authority in**
9 **Territory**

- 10 (1) The assets and liabilities of the former authority vest in the
11 Territory.
- 12 (2) If an asset or liability that vests in the Territory is mentioned in a
13 contract, agreement or arrangement, a reference to the former
14 authority in the contract, agreement or arrangement is, in relation to
15 anything happening or to happen in relation to the asset or liability
16 after the vesting of the asset or liability in the Territory, a reference
17 to the Territory.

18 **160** **Evidentiary certificate for vested assets and liabilities**

- 19 (1) The chief executive may certify that an asset or liability has vested
20 in the Territory under section 159.
- 21 (2) A certificate under subsection (1) is evidence of the matters it states.

- 1 **161 Registration of changes in title to certain assets**
- 2 (1) This section applies if—
- 3 (a) a registrable asset vests in the Territory under section 159
4 (Vesting of assets and liabilities of former authority in
5 Territory); and
- 6 (b) the Territory gives the registering authority for the asset a
7 certificate under section 160 for the asset.
- 8 (2) The registering authority must make the entries in the appropriate
9 register kept by the registering authority, and do anything else
10 necessary or desirable to be done, to reflect the vesting of the asset
11 in the Territory.
- 12 (3) The evidentiary value of a register mentioned in this section is not
13 affected by—
- 14 (a) the making of an entry under this section; or
- 15 (b) the failure to make an entry under this section; or
- 16 (c) the failure by the Territory to give a certificate to the
17 registering authority for a registrable asset.
- 18 (4) In this section:
- 19 *registering authority*, for a registrable asset, means the person who,
20 under Territory law, is required or permitted to enter particulars
21 about the ownership of the asset in a register.
- 22 *registrable asset* means an asset, including an interest in land,
23 particulars of the ownership of which are required or permitted
24 under Territory law to be entered in a register.

1 **162 Proceedings and evidence in relation to vested assets**
2 **and liabilities**

- 3 (1) This section applies in relation to an asset or liability that vests in
4 the Territory under section 159 (Vesting of assets and liabilities of
5 former authority in Territory).
- 6 (2) If a proceeding had been begun in relation to the asset or liability
7 before it vested in the Territory and the former authority is a party to
8 the proceeding, the Territory is substituted for the former authority
9 as a party to the proceeding.
- 10 (3) If a proceeding could have been begun by or against the former
11 authority in relation to the asset or liability before it vested in the
12 Territory, the proceeding may be begun by or against the Territory.
- 13 (4) The *Limitation Act 1985* applies to a cause of action that accrued to
14 or against the former authority in relation to the asset or liability as
15 if the cause of action had accrued to or against the Territory when it
16 accrued to or against the former authority.
- 17 (5) The court or other entity in which a proceeding is begun or
18 continued by or against the Territory in relation to the asset or
19 liability may give directions about the conduct of the proceeding.
- 20 (6) Any evidence that would have been admissible for or against the
21 former authority in the proceeding is admissible for or against the
22 Territory.
- 23 (7) In this section:
- 24 ***proceeding*** includes a right of appeal or review (including a right of
25 review under the *Ombudsman Act 1989*) or any other civil
26 proceeding.

1 **Part 7.2 General savings**

2 **Division 7.2.1 Interpretation**

3 **163 Definitions for pt 7.3**

4 In this part:

5 *commencement day* means the day the *Schools Authority Act 1976*
6 is repealed.

7 *former authority Act* means the *Schools Authority Act 1976*
8 (repealed).

9 *former education Act* means the *Education Act 1937* (repealed).

10 **Division 7.2.2 Former authority Act**

11 **164 Existing schools etc**

12 (1) A preschool, primary school, high school or secondary college
13 established under the former authority Act, section 6 (1) (a) (i) that
14 was in existence immediately before the commencement day is
15 taken, after the commencement day, to be a school of that kind
16 established under this Act, section 20 (1) (Establishing government
17 schools etc).

18 (2) A school or other educational or related institution, educational
19 service, or educational or related service established under the
20 former authority Act, section 6 (other than section 6 (1) (a) (i)), that
21 was in existence immediately before the commencement day is
22 taken, after the commencement day, to be a school-related
23 educational institution established under this Act, section 20 (3)
24 (Establishing government schools etc).

1 **165 Name of schools, institutions and services**

2 (1) This section applies to a preschool, primary school, high school or
3 secondary college, a school or other educational related institution,
4 or an educational or related service, established under the former
5 authority Act that was in existence immediately before the
6 commencement day.

7 (2) A name given to the preschool, school, college, institution or service
8 that it had immediately before the commencement day is taken, after
9 the commencement day, to have been given to it under this Act,
10 section 20 (4) (Establishing government schools etc).

11 **166 School boards**

12 A school board established under the former authority Act,
13 section 37 and in existence immediately before the commencement
14 day is taken, after the commencement day, to have been established
15 under this Act, section 38 (Establishment of school boards).

16 **167 Parents and citizens associations**

17 A declaration of a parents and citizens association for a government
18 school in force under the former authority Act, section 36 (2)
19 immediately before the commencement day is taken, after the
20 commencement day, to be a declaration under this Act, section 40
21 (Declaration of parents and citizens associations in certain
22 circumstances).

23 **168 Members of school boards**

24 A person who was a member of a school board under the former
25 authority Act, section 40, 41 or 42 immediately before the
26 commencement day is taken, on the commencement day, to be a
27 member of the school board appointed under this Act, section 41
28 (Constitution of school boards generally), section 42 (Constitution
29 of school boards of small schools), or section 43 (Constitution of

1 school boards of school-related institutions and other schools in
2 special circumstances), as the case requires, for the remainder of the
3 term for which the member was appointed.

4 **Division 7.2.3 Former education Act**

5 **169 Exemption certificates**

6 An exemption certificate given under the former education Act,
7 section 16 that was in force immediately before the commencement
8 day is taken, after the commencement day, to be a certificate issued
9 under this Act, section 14 (Exemption certificates) for the remainder
10 of the term for which it was given.

11 **170 Existing registered and provisionally registered schools**

12 (1) A school provisionally registered under the former education Act,
13 section 22 immediately before the commencement day is taken, on
14 the commencement day, to be a school provisionally registered
15 under this Act, section 86—

16 (a) for the educational levels for which it was provisionally
17 registered immediately before the commencement day; and

18 (b) for the remainder of the period for which it was provisionally
19 registered under the former education Act.

20 (2) A school registered under the former education Act, section 23
21 immediately before the commencement day is taken, after the
22 commencement day, to be a school registered under this Act,
23 section 88—

24 (a) for the educational levels for which it was registered
25 immediately before the commencement day; and

26 (b) for the remainder of the period for which it was registered
27 under the former education Act.

1 (3) A certificate issued under the former education Act, section 22 that
2 was in force immediately before the commencement day is taken,
3 after the commencement day, to be a certificate issued under this
4 Act, section 86 (4) (b) (Provisional registration).

5 (4) A certificate issued under the former education Act, section 23 that
6 was in force immediately before the commencement day is taken,
7 after the commencement day, to be a certificate issued under this
8 Act, section 88 (4) (b) (Registration).

9 **171 Registers**

10 (1) A register of attendances kept under the former education Act,
11 section 15 is taken, after the commencement day, to be a register of
12 enrolments and attendances under this Act, section 33 (Keeping
13 records of enrolment and attendances for government schools) or
14 section 99 (Keeping records of enrolment and attendances for non-
15 government schools), as the case requires.

16 (2) A list of registered primary schools and a list of registered
17 secondary schools kept under the former education Act, section 28
18 is taken, after the commencement day, to be a register of non-
19 government schools kept by the registrar under this Act, section 79
20 (Register of non-government schools).

1 **Part 7.3** **Miscellaneous**

2 **172 Expiry of ch 7**

3 This chapter expires 1 year after the day it commences.

4 **173 Declared law for Legislation Act, s 88**

5 This chapter is a law to which the Legislation Act, section 88
6 (Repeal does not end effect of transitional laws etc) applies.

1 **Chapter 8** **Repeals and consequential**
2 **amendments**

3 **174 Acts repealed**

4 The following Acts are repealed:

- 5 • *Education Act 1937* A1937-25
6 • *Free Education Act 1906* A1906-12
7 • *Public Instruction Act 1880* A1880-23
8 • *Schools Authority Act 1976* A1976-59.

9 **175 Regulations repealed**

10 The *Schools Authority Regulations 1978* SL1978-11 are repealed.

11 **176 Legislation amended—sch 2**

12 This Act amends the legislation mentioned in schedule 2.

Schedule 1 Reviewable decisions

(see s 143)

Part 1.1 Minister's decisions

column 1 item	column 2 Act provision	column 3 reviewable decision	column 4 person to be notified
1	84 (4)	refusing to give in-principle approval	applicant for in-principle approval
2	86 (5)	directing registrar to refuse to provisionally register a non-government school	applicant for provisional registration of the school
3	88 (3)	directing registrar to register a non-government school for a shorter period than the period applied for	proprietor of the school
4	88 (5)	directing registrar to refuse to register a non-government school	proprietor of the school
5	90 (6)	directing registrar to refuse to register a non-government school at an additional educational level	proprietor of the school

column 1 item	column 2 Act provision	column 3 reviewable decision	column 4 person to be notified
6	95 (1)	directing registrar to cancel provisional registration or registration of a non-government school	proprietor of the school
7	97 (3)	directing registrar to renew registration of a non-government school for a shorter period than the period applied for	proprietor of the school
8	97 (5)	directing registrar to refuse to renew registration of a non-government school	proprietor of the school

Part 1.2 Chief executive's decisions

column 1 item	column 2 Act provision	column 3 reviewable decision	column 4 person to be notified
1	14	refusing to issue exemption certificate on application	parents of the child
2	16	revoking an exemption certificate	parents of the child
3	36	suspending, excluding or transferring a child	parents of the child
4	130 (3)	refusing to register a child for home education on application	parents of the child
5	130 (3)	registering a child for home education for a shorter period than the period applied for	parents of the child
6	134 (1)	cancelling registration of a child for home education	parents of the child
7	136 (3)	refusing to renew registration of a child for home education	parents of the child
8	136 (3)	renewing registration of a child for home education for a shorter period than the period applied for	parents of the child

1 **Schedule 2** **Consequential amendments**

2 (see s 176)

3 **Part 2.1** **Board of Senior Secondary**
4 **Studies Act 1997**

5 **[2.1] New division 3.3**

6 *insert*

7 **Division 3.3** **Education providers**

8 **27A** **Approved education providers**

9 (1) The board may approve education providers for this Act.

10 (2) The board must keep an up-to-date list of approved education
11 providers.

12 **27B** **Criteria for approval**

13 The board may approve a person as an education provider only if
14 satisfied that the following criteria (the *approval criteria*) are met:

15 (a) the provider will have appropriate facilities and equipment for
16 the safety and welfare of its students;

17 (b) the nature and content of the education to be offered by the
18 provider will be satisfactory for the educational levels for
19 which approval as a provider is sought;

20 (c) the teaching staff will be efficient and effective;

21 (d) the institution operated by the provider will be conducted in a
22 satisfactory way;

23 (e) the disciplinary policy of the provider will not allow corporal
24 punishment.

1 **27C Suspension of approval**

2 The board may suspend the approval of an education provider if the
3 board is no longer satisfied, based on reasonable grounds, that the
4 provider meets the approval criteria.

5 **27D Cancellation of approval**

6 The board must cancel the approval of an education provider if, on
7 at least 3 occasions, a ground existed on which the board would
8 have been entitled to suspend the approval of the provider.

9 **27E Notice of decisions**

- 10 (1) The board must give written notice—
- 11 (a) for a decision refusing to approve an application for approval
12 of an education provider under section 27A—to the applicant;
13 and
- 14 (b) for a decision suspending or cancelling approval of an
15 education provider under section 27C or section 27D—to the
16 education provider.
- 17 (2) The notice must be in accordance with the requirements of the code
18 of practice in force under the *Administrative Appeals Tribunal Act*
19 *1989*, section 25B (1).

20 **27F Review of decisions by administrative appeals tribunal of**
21 **certain decisions**

22 A person may apply in writing to the administrative appeals tribunal
23 for review of a decision of the board mentioned in section 27E.

1 **Part 2.2** **Children and Young People**
2 **Act 1999**

3 **[2.2] Section 330 (e) and (f)**

4 *substitute*

- 5 (e) by a government school or non-government school under the
6 *Education Act 2003*, whether provided during or outside school
7 hours; or

8 **[2.3] Section 330**

9 *renumber paragraphs when Act next republished under*
10 *Legislation Act*

11 **[2.4] Section 373 (a)**

12 *substitute*

- 13 (a) contravenes the *Education Act 2003* in relation to the young
14 child; or

15 **[2.5] Section 378**

16 *substitute*

17 **378 Ch 10 subject to certain provisions of Education Act**

18 This chapter has effect subject to the *Education Act 2003*, section 11
19 (Compulsory attendance) and section 14 (Exemption certificates).

20 **[2.6] Dictionary, definition of school**

21 *substitute*

22 *school* means—

- 23 (a) a government or non-government school under the *Education*
24 *Act 2003*; or

- 1 (b) an educational institution conducted by the Canberra Institute
2 of Technology.

3 **[2.7] Dictionary, definition of *school-leaving age***

4 *substitute*

5 *school-leaving age* means 15 years old.

6 **Part 2.3 Crimes Act 1900**

7 **[2.8] Dictionary, definition of *school***

8 *substitute*

9 *school* means—

- 10 (a) a government or non-government school under the *Education*
11 *Act 2003*; or
12 (b) an educational institution conducted by the Canberra Institute
13 of Technology;
14 and includes any land or premises that belong to, are occupied by, or
15 are used in relation to, a school.

16 **Part 2.4 Intoxicated Persons (Care and**
17 **Protection) Act 1994**

18 **[2.9] Section 3 (1), definition of *school***

19 *substitute*

20 *school* means a government school or non-government school under
21 the *Education Act 2003*, and includes any land or premises that
22 belong to, are occupied by, or are used in relation to, a school.

1 **Part 2.5** **Legislation Act 2001**

2 **[2.10] Schedule 1, part 1.1, items about *Free Education Act 1906***
3 **and *Public Instruction Act 1880***

4 *omit*

5 **[2.11] Schedule 1, part 1.1**

6 *renumber items when Act next republished under Legislation Act*

7 **Part 2.6** **Ombudsman Regulations 1989**

8 **[2.12] Schedule 2, item 2**

9 *omit*

10 **Part 2.7** **Workers Compensation Act**
11 **1951**

12 **[2.13] Section 14 (4), definition of *educational institution*,**
13 **paragraph (b)**

14 *substitute*

15 (b) a non-government school under the *Education Act 2003*; or

1 Dictionary

2 (see s 3)

3 *Note 1* The Legislation Act contains definitions and other provisions relevant to
4 this Act.

5 *Note 2* For example, the Legislation Act, dict, pt 1 defines the following terms:

- 6 • ACT
- 7 • administrative appeals tribunal
- 8 • appoint
- 9 • chief executive (see s 163)
- 10 • child
- 11 • contravene
- 12 • exercise
- 13 • fail
- 14 • financial year
- 15 • function
- 16 • State.

17 *appointed member—*

18 (a) for the school board of a government school, other than a small
19 school, a school-related institution or another school to which
20 section 43 (Constitution of school boards of school-related
21 institutions and other schools in special circumstances)
22 applies—see section 41 (Constitution of school boards
23 generally); or

24 (b) for the school board of a small school, other than a school to
25 which section 43 (Constitution of school boards of school-
26 related institutions and other schools in special circumstances)
27 applies—see section 42 (Constitution of school boards of small
28 schools); or

29 (c) for the Government Schools Education Council—see
30 section 56 (Membership of council (government)).

- 1 ***approved educational course*** means an approved educational course
2 (government) or approved educational course (non-government).
- 3 ***approved educational course (government)*** means an educational
4 course approved under section 31 (Approved educational courses
5 for children at government schools).
- 6 ***approved educational course (non-government)*** means an
7 educational course approved under section 81 (Approved
8 educational courses for children at non-government schools).
- 9 ***authorised person*** means an authorised person (government) or
10 authorised person (non-government).
- 11 ***authorised person (government)*** means a person who is an
12 authorised person (government) under section 67 (Appointment of
13 authorised persons (government)).
- 14 ***authorised person (non-government)*** means a person who is an
15 authorised person (non-government) under section 118
16 (Appointment of authorised persons (non-government)).
- 17 ***board appointed member***—
- 18 (a) for the school board of a government school, other than a small
19 school, a school-related institution or another school to which
20 section 43 (Constitution of school boards of school-related
21 institutions and other schools in special circumstances)
22 applies—see section 41 (Constitution of school boards
23 generally); or
- 24 (b) for a school board of a small school, other than a school to
25 which section 43 (Constitution of school boards of school-
26 related institutions and other schools in special circumstances)
27 applies—see section 42 (Constitution of school boards of small
28 schools).
- 29 ***carer***—see section 6.

- 1 **community member**—
- 2 (a) for part 3.5 (Government Schools Education Council)—see
- 3 section 57 (Appointed members of council (government)); and
- 4 (b) for part 4.4 (Non-government Schools Education Council)—
- 5 see section 108 (Members of council (government)).
- 6 **compulsory school age**—see section 9.
- 7 **corporal punishment** means physical force applied to punish or
- 8 correct, and includes any action designed or likely to cause physical
- 9 pain or discomfort taken to punish or correct.
- 10 **council**—
- 11 (a) for part 3.5—means the Government Schools Education
- 12 Council; and
- 13 (b) for part 4.4—means the Non-Government Schools Education
- 14 Council.
- 15 **council (government)**, for part 3.5—means the Government Schools
- 16 Education Council.
- 17 **council (non-government)**, for part 4.4—means the Non-
- 18 government Schools Education Council.
- 19 **educational course** means a course of teaching and learning
- 20 directed toward acquiring a particular area of knowledge and skills.
- 21 **education member**—
- 22 (a) for part 3.5 (Government Schools Education Council)—see
- 23 section 57 (Appointed members of council (government)); and
- 24 (b) for part 4.4 (Non-government Schools Education Council)—
- 25 see section 108 (Members of council (government)).

- 1 **exclusion—**
- 2 (a) of a child from all government schools—means preventing the
- 3 child from continuing to be enrolled or being re-enrolled at any
- 4 government school; and
- 5 (b) of a child from all Catholic systemic schools—means
- 6 preventing the child from continuing to be enrolled or being re-
- 7 enrolled at any Catholic systemic school; and
- 8 (c) of a child from a non-government school—means preventing
- 9 the child from continuing to be enrolled or being re-enrolled at
- 10 the non-government school.
- 11 **exemption certificate** means a certificate issued under section 14
- 12 (Exemption certificates).
- 13 **government school** means—
- 14 (a) except for part 3.4 (School boards of government schools)—a
- 15 school, preschool or school-related institution established
- 16 under section 20 (Establishing government schools etc); and
- 17 (b) for part 3.4—a school or school-related institution established
- 18 under section 20.
- 19 **half-year**, for part 3.4 (School boards of government schools)—see
- 20 section 37.
- 21 **home education**—see section 128.
- 22 **in-principle approval**—see section 83 (Applications for in-principle
- 23 approval for proposed registration).
- 24 **internal-reviewer**—see section 145 (Who may apply for internal
- 25 review of decisions).
- 26 **money**, for part 3.4 (School boards of government schools)—see
- 27 section 37.
- 28 **non-government school** means a registered non-government school.

- 1 **parent**—see section 6.
- 2 **parents and citizens association**, for part 3.4 (School boards of
3 government schools)—see section 37.
- 4 **parents and citizens member**—
- 5 (a) for the school board of a government school, other than a small
6 school, a school-related institution or another school to which
7 section 43 (Constitution of school boards of school-related
8 institutions and other schools in special circumstances)
9 applies—see section 41 (Constitution of school boards
10 generally); or
- 11 (b) for the school board of a small school, other than a school to
12 which section 43 applies—see section 42 (Constitution of
13 school boards of small schools).
- 14 **prescribed period**, for part 3.4 (School boards of government
15 schools)—see section 37.
- 16 **proposed opening day**—see section 83 (4) (Applications for in-
17 principle approval for proposed registration).
- 18 **registered non-government school** means a school that is registered
19 or provisionally registered under part 4.2 (Registration—non-
20 government schools).
- 21 **register of enrolments and attendances**, in relation to a person,
22 means the register of enrolments and attendances kept by the person
23 under section 32 (Register of enrolments and attendances for
24 government schools) or section 98 (Register of enrolments and
25 attendances for non-government schools).
- 26 **register of non-government schools** means the register kept by the
27 registrar under section 79.
- 28 **registrar** means the Registrar of Non-Government Schools.
- 29 **reviewable decision**—see section 143.

- 1 ***school***—
- 2 (a) except for chapter 2, part 3.4, chapter 4 and part 6.2—means a
3 school or school-related institution established under
4 section 20 (Establishing government schools etc); and
- 5 (b) for chapter 2 (School enrolment and attendance) and part 6.2
6 (Other provisions)—means a government school or non-
7 government school; and
- 8 (c) for part 3.4 (Schools boards of government schools)—see
9 section 37; and
- 10 (d) for chapter 4 (Non-government schools)—see section 74.
- 11 ***school board***, of a government school, means the school board of
12 the school established under part 3.4.
- 13 ***school-leaving age*** means 15 years old.
- 14 ***school-related institution***—see section 20 (Establishing government
15 schools etc).
- 16 ***small school***, for part 3.4 (School boards of government schools)—
17 see section 37.
- 18 ***staff***, of a school, means the principal and teachers of, and other
19 people employed at, the school.
- 20 ***staff member***—
- 21 (a) for the school board of a government school, other than a small
22 school, a school-related institution or another school to which
23 section 43 (Constitution of school boards of school-related
24 institutions and other schools in special circumstances)
25 applies—see section 41 (Constitution of school boards
26 generally); or
- 27 (b) for the school board of a small school, other than a school to
28 which section 43 applies—see section 42 (Constitution of
29 school boards of small schools).

1 ***student***, for part 3.4 (School boards of government schools)—see
2 section 37.

3 ***student member***, for the school board of a government school, other
4 than a small school, a school-related institution or another school to
5 which section 43 (Constitution of school boards of school-related
6 institutions and other schools in special circumstances) applies—see
7 section 41.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2003.

2 Notification

Notified under the Legislation Act on 2003.

3 Republications of amended laws

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