

Australian Capital Territory

Education Regulation 2005

SL2005-1

made under the

Education Act 2004

Republication No 10

Effective: 5 March 2019 – 8 June 2020

Republication date: 5 March 2019

Last amendment made by [A2019‑4](http://www.legislation.act.gov.au/a/2019-4/default.asp" \o "Education (Child Safety in Schools) Legislation Amendment Act 2019)

About this republication

The republished law

This is a republication of the *Education Regulation 2005*, made under the *Education Act 2004* (including any amendment made under the [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14), part 11.3 (Editorial changes)) as in force on 5 March 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 5 March 2019.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel’s Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

* authorised republications to which the [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14) applies
* unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14), section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14), s 133).



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Australian Capital Territory

Education Regulation 2005

made under the

[Education Act 2004](http://www.legislation.act.gov.au/a/2004-17" \o "A2004-17)

Part 1 Preliminary

1 Name of regulation

This regulation is the Education Regulation 2005.

2 Notes

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

Note See the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Government schools

3 Schools with student board members—Act, s 41 (2) (f)

The school board of the schools mentioned in schedule 1 must include 2 members elected by the students at the school and appointed by the director‑general.

4 Appointment of staff member—Act, s 42 (4)

The director‑general must appoint the person nominated by the staff of a small school to be the staff member of the school board.

Part 3 Non-government schools

5 Non-government schools register—Act, s 86 (4) (a), s 88 (4) (a), s 90 (4) (a) and s 97 (4) (a)

(1) The following particulars for a school must be entered in the register of non-government schools:

(a) the proprietor of the school;

(b) the name of the school;

(c) the street address of the school’s administration office;

(d) the educational level or levels for which the school is provisionally registered or registered under the [Act](http://www.legislation.act.gov.au/a/2004-17/default.asp), part 4.2 (Registration—non-government schools);

(e) the term of provisional registration or registration under the [Act](http://www.legislation.act.gov.au/a/2004-17/default.asp), part 4.2.

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

5A Criteria for provisional registration and registration—Act, s 86 (6) (h) and s 88 (6) (h)

(1) A school must, through a representative of the non-government school sector, work with the Minister to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

(2) For this section:

representative of the non-government school sector means—

(a) the Association of Independent Schools of the ACT; or

(b) the Catholic Education Archdiocese of Canberra and Goulburn.

5B Conditions of provisional registration and registration—Act, s 91 (1) (h)

(1) A school must, through a representative of the non-government school sector, work with the Minister to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

(2) For this section:

representative of the non-government school sector—see s 5A (2).

5C Criteria for renewal of registration—Act, s 97 (6) (h)

(1) A school must, through a representative of the non-government school sector, work with the Minister to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

(2) For this section:

representative of the non-government school sector—see s 5A (2).

6 Catholic systemic schools—Act, s 104 (12), def director

Director, Catholic Education Office, Archdiocese of Canberra and Goulburn is prescribed.

Part 4 Home education

7 Home education register—Act, s 133 (a)

(1) The following particulars for a child must be entered in the home education register:

(a) the child’s full name as shown on—

(i) the child’s birth certificate; or

(ii) if the birth certificate is not available—the child’s passport or another document approved by the director‑general that identifies the child;

(b) the full name by which the child is known, if different from the name under paragraph (a);

(c) the child’s sex;

(d) the child’s date of birth;

(e) a unique identifying number for the child;

(f) the full names of the child’s parents;

Note For the meaning of parent (which includes a carer), see the [Act](http://www.legislation.act.gov.au/a/2004-17/default.asp), s 6.

(g) the period for which the child is registered for home education;

(h) the address of the home base from which the home education will be carried out;

(i) the conditions of registration.

(2) In this section:

birth certificate means—

(a) the child’s birth certificate; or

(b) if the registration of the child’s birth has been changed—a birth certificate that includes the changed particulars.

Schedule 1 Schools with student board members—Act, s 41 (2) (f)

(see s 3)

Part 1.1 Schools

| column 1  item | column 2  school |
| --- | --- |
| 1 | Alfred Deakin High School |
| 2 | Amaroo School |
| 3 | Belconnen High School |
| 4 | Black Mountain School |
| 5 | Calwell High School |
| 6 | Campbell High School |
| 7 | Canberra High School |
| 8 | Caroline Chisholm School |
| 9 | Gold Creek School |
| 10 | Harrison School |
| 11 | Kingsford Smith School |
| 12 | Lanyon High School |
| 13 | Lyneham High School |
| 14 | Melba Copland Secondary School |
| 15 | Melrose High School |
| 16 | Namadgi School |
| 17 | Stromlo High School |
| 18 | Telopea Park School |
| 19 | The Woden School |
| 20 | University of Canberra High School Kaleen |
| 21 | Wanniassa School |

Part 1.2 Colleges

| column 1  item | column 2  school |
| --- | --- |
| 1 | Canberra College |
| 2 | Dickson College |
| 3 | Erindale College |
| 4 | Gungahlin College |
| 5 | Hawker College |
| 6 | Lake Tuggeranong College |
| 7 | Narrabundah College |
| 8 | University of Canberra Secondary College Lake Ginninderra |

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel’s Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

|  |  |
| --- | --- |
| A = Act | NI = Notifiable instrument |
| AF = Approved form | o = order |
| am = amended | om = omitted/repealed |
| amdt = amendment | ord = ordinance |
| AR = Assembly resolution | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| CN = Commencement notice | pres = present |
| def = definition | prev = previous |
| DI = Disallowable instrument | (prev...) = previously |
| dict = dictionary | pt = part |
| disallowed = disallowed by the Legislative | r = rule/subrule |
| Assembly | reloc = relocated |
| div = division | renum = renumbered |
| exp = expires/expired | R[X] = Republication No |
| Gaz = gazette | RI = reissue |
| hdg = heading | s = section/subsection |
| IA = Interpretation Act 1967 | sch = schedule |
| ins = inserted/added | sdiv = subdivision |
| LA = Legislation Act 2001 | SL = Subordinate law |
| LR = legislation register | sub = substituted |
| LRA = Legislation (Republication) Act 1996 | underlining = whole or part not commenced |
| mod = modified/modification | or to be expired |

3 Legislation history

Education Regulation 2005 SL2005-1

notified LR 10 February 2005

s 1, s 2 commenced 10 February 2005 (LA s 75 (1))

remainder commenced 11 February 2005 (s 2)

as amended by

[Education Amendment Regulation 2005 (No 1)](http://www.legislation.act.gov.au/sl/2005-40) SL2005-40

notified LR 15 December 2005

s 1, s 2 commenced 15 December 2005 (LA s 75 (1))

remainder commenced 31 December 2005 (s 2)

[Education Amendment Act 2006 (No 2)](http://www.legislation.act.gov.au/a/2006-57) A2006-57 ss 56-58

notified LR 19 December 2006

s 1, s 2 commenced 19 December 2006 (LA s 75 (1))

ss 56-58 commenced 20 December 2006 (s 2)

[Education Amendment Regulation 2008 (No 1)](http://www.legislation.act.gov.au/sl/2008-22) SL2008-22

notified LR 22 May 2008

s 1, s 2 commenced 22 May 2008 (LA s 75 (1))

remainder commenced 23 May 2008 (s 2)

[Education Amendment Regulation 2009 (No 1)](http://www.legislation.act.gov.au/sl/2009-42) SL2009-42

notified LR 10 August 2009

s 1, s 2 commenced 10 August 2009 (LA s 75 (1))

remainder commenced 11 August 2009 (s 2)

[Education Amendment Regulation 2011 (No 1)](http://www.legislation.act.gov.au/sl/2011-3) SL2011-3

notified LR 17 February 2011

s 1, s 2 commenced 17 February 2011 (LA s 75 (1))

remainder commenced 18 February 2011 (s 2)

[Education Amendment Regulation 2011 (No 2)](http://www.legislation.act.gov.au/sl/2011-16) SL2011-16

notified LR 20 June 2011

s 1, s 2 commenced 20 June 2011 (LA s 75 (1))

remainder commenced 21 June 2011 (s 2)

[Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011](http://www.legislation.act.gov.au/a/2011-22) A2011-22 sch 1 pt 1.58

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.58 commenced 1 July 2011 (s 2 (1))

[Education (Child Safety in Schools) Legislation Amendment Act 2019](http://www.legislation.act.gov.au/a/2019-4) A2019-4 pt 4

notified LR 4 March 2019

s 1, s 2 commenced 4 March 2019 (LA s 75 (1))

pt 4 commenced 5 March 2019 (s 2 (2))

4 Amendment history

Notes

s 2 orig s 2 om LA s 89 (4)

(prev s 3) renum [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) s 4

Government schools

pt 2 hdg sub [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) s 5

Schools with student board members—Act, s 41 (2) (f)

s 3 orig s 3 renum as s 2

ins [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) s 5

am [A2011‑22](http://www.legislation.act.gov.au/a/2011-22)amdt 1.185

Appointment of staff member—Act, s 42 (4)

s 4 sub [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) s 5

am [A2011‑22](http://www.legislation.act.gov.au/a/2011-22)amdt 1.185

Non-government schools

pt 3 hdg orig pt 3 hdg renum as pt 4 hdg

ins [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) s 5

Non-government schools register—Act, s 86 (4) (a), s 88 (4) (a), s 90 (4) (a) and s 97 (4) (a)

s 5 orig s 5 renum as s 7

ins [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) s 5

am [A2006‑57](http://www.legislation.act.gov.au/a/2006-57) s 56

Criteria for provisional registration and registration—Act, s 86 (6) (h) and s 88 (6) (h)

s 5A ins [A2019‑4](http://www.legislation.act.gov.au/a/2019-4/default.asp) s 15

Conditions of provisional registration and registration—Act, s 91 (1) (h)

s 5B ins [A2019‑4](http://www.legislation.act.gov.au/a/2019-4/default.asp) s 15

Criteria for renewal of registration—Act, s 97 (6) (h)

s 5C ins [A2019‑4](http://www.legislation.act.gov.au/a/2019-4/default.asp) s 15

Catholic systemic schools—Act, s 104 (12), def director

s 6 ins [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) s 5

Home education

pt 4 hdg (prev pt 3 hdg) renum [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) s 6

Home education register—Act, s 133 (a)

s 7 hdg sub [A2006‑57](http://www.legislation.act.gov.au/a/2006-57) s 57

s 7 (prev s 5) renum [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) s 7

am [A2006‑57](http://www.legislation.act.gov.au/a/2006-57) s 58; [A2011‑22](http://www.legislation.act.gov.au/a/2011-22) amdt 1.185

Schools with student board members—Act, s 41 (2) (f)

sch 1 ins [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) s 8

sch 1 pt 1.1 sub [SL2008‑22](http://www.legislation.act.gov.au/sl/2008-22) s 4

am [SL2009‑42](http://www.legislation.act.gov.au/sl/2009-42) s 4; items renum R5 LA; [SL2011‑3](http://www.legislation.act.gov.au/sl/2011-3) s 4; items renum R6 LA; [SL2011‑16](http://www.legislation.act.gov.au/sl/2011-16) ss 4-6; items renum R7 LA; [SL2012‑32](http://www.legislation.act.gov.au/sl/2012-32) s 4; items renum R9 LA

sch 1 pt 1.2 am [SL2008‑22](http://www.legislation.act.gov.au/sl/2008-22) s 5; items renum R4 LA; [SL2011‑3](http://www.legislation.act.gov.au/sl/2011-3) s 5; items renum R6 LA; [SL2011‑16](http://www.legislation.act.gov.au/sl/2011-16) s 7, s 8; items renum R7 LA

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
| --- | --- | --- | --- |
| R1 11 Feb 2005 | 11 Feb 2005– 30 Dec 2005 | not amended | new regulation |
| R2 31 Dec 2005 | 31 Dec 2005– 19 Dec 2006 | [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) | amendments by [SL2005‑40](http://www.legislation.act.gov.au/sl/2005-40) |
| R3 20 Dec 2006 | 20 Dec 2006– 22 May 2008 | [A2006‑57](http://www.legislation.act.gov.au/a/2006-57) | amendments by [A2006‑57](http://www.legislation.act.gov.au/a/2006-57) |
| R4 23 May 2008 | 23 May 2008– 10 Aug 2009 | [SL2008‑22](http://www.legislation.act.gov.au/sl/2008-22) | amendments by [SL2008‑22](http://www.legislation.act.gov.au/sl/2008-22) |
| R5 11 Aug 2009 | 11 Aug 2009– 17 Feb 2011 | [SL2009‑42](http://www.legislation.act.gov.au/sl/2009-42) | amendments by [SL2009‑42](http://www.legislation.act.gov.au/sl/2009-42) |
| R6 18 Feb 2011 | 18 Feb 2011– 20 June 2011 | [SL2011‑3](http://www.legislation.act.gov.au/sl/2011-3) | amendments by [SL2011‑3](http://www.legislation.act.gov.au/sl/2011-3) |
| R7 21 June 2011 | 21 June 2011– 30 June 2011 | [SL2011‑16](http://www.legislation.act.gov.au/sl/2011-16) | amendments by [SL2011‑16](http://www.legislation.act.gov.au/sl/2011-16) |
| R8 1 July 2011 | 1 July 2011– 31 January 2013 | [A2011‑22](http://www.legislation.act.gov.au/a/2011-22) | amendments by [A2011‑22](http://www.legislation.act.gov.au/a/2011-22) |
| R9 1 Feb 2013 | 1 Feb 2013– 4 Mar 2019 | [SL2012-32](http://www.legislation.act.gov.au/sl/2012-32) | amendments by [SL2012-32](http://www.legislation.act.gov.au/sl/2012-32) |

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