



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](#)

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*, 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):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

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

Editorial changes

The *Legislation Act 2001*, 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*, 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). 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*, 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*, s 133).



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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](#), 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](#), part 4.2 (Registration—non-government schools);
 - (e) the term of provisional registration or registration under the [Act](#), 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](#), 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

Schedule 1
Part 1.2

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

column 1 item	column 2 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*, 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 Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

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) 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) 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) 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) 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) 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) 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 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**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))

Endnotes

4 Amendment history

4 Amendment history

Notes

s 2 orig s 2 om LA s 89 (4)
(prev s 3) renum [SL2005-40](#) s 4

Government schools

pt 2 hdg sub [SL2005-40](#) s 5

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

s 3 orig s 3 renum as s 2
ins [SL2005-40](#) s 5
am [A2011-22](#)amdt 1.185

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

s 4 sub [SL2005-40](#) s 5
am [A2011-22](#)amdt 1.185

Non-government schools

pt 3 hdg orig pt 3 hdg renum as pt 4 hdg
ins [SL2005-40](#) 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](#) s 5
am [A2006-57](#) s 56

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

s 5A ins [A2019-4](#) s 15

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

s 5B ins [A2019-4](#) s 15

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

s 5C ins [A2019-4](#) s 15

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

s 6 ins [SL2005-40](#) s 5

Home education

pt 4 hdg (prev pt 3 hdg) renum [SL2005-40](#) s 6

Home education register—Act, s 133 (a)

s 7 hdg sub [A2006-57](#) s 57
s 7 (prev s 5) renum [SL2005-40](#) s 7
am [A2006-57](#) s 58; [A2011-22](#) amdt 1.185

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

- sch 1 ins [SL2005-40](#) s 8
- sch 1 pt 1.1 sub [SL2008-22](#) s 4
- am [SL2009-42](#) s 4; items renum R5 LA; [SL2011-3](#) s 4;
items renum R6 LA; [SL2011-16](#) ss 4-6; items renum R7 LA;
[SL2012-32](#) s 4; items renum R9 LA
- sch 1 pt 1.2 am [SL2008-22](#) s 5; items renum R4 LA; [SL2011-3](#) s 5;
items renum R6 LA; [SL2011-16](#) s 7, s 8; items renum R7 LA

Endnotes

5 Earlier republications

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	amendments by SL2005-40
R3 20 Dec 2006	20 Dec 2006– 22 May 2008	A2006-57	amendments by A2006-57
R4 23 May 2008	23 May 2008– 10 Aug 2009	SL2008-22	amendments by SL2008-22
R5 11 Aug 2009	11 Aug 2009– 17 Feb 2011	SL2009-42	amendments by SL2009-42
R6 18 Feb 2011	18 Feb 2011– 20 June 2011	SL2011-3	amendments by SL2011-3
R7 21 June 2011	21 June 2011– 30 June 2011	SL2011-16	amendments by SL2011-16
R8 1 July 2011	1 July 2011– 31 January 2013	A2011-22	amendments by A2011-22
R9 1 Feb 2013	1 Feb 2013– 4 Mar 2019	SL2012-32	amendments by SL2012-32

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