



Australian Capital Territory

# Education Regulation 2005

SL2005-1

made under the

**Education Act 2004**

**Republication No 12**

**Effective: 18 August 2020 – 31 December 2020**

Republication date: 18 August 2020

Last amendment made by [SL2020-29](#)

## 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 18 August 2020. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 18 August 2020.

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* 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](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*, 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).



Australian Capital Territory

# Education Regulation 2005

made under the

**Education Act 2004**

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of regulation	2
2	Notes	2
2A	Dictionary	2
<b>Part 2</b>	<b>Government schools</b>	
3	Schools with student board members—Act, s 41 (2) (f)	3
4	Appointment of staff member—Act, s 42 (4)	3
<b>Part 3</b>	<b>Non-government schools</b>	
5	Non-government schools register—Act, s 86 (4) (a), s 88 (4) (a), s 90 (4) (a) and s 97 (4) (a)	4

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R12  
18/08/20

Education Regulation 2005  
Effective: 18/08/20-31/12/20

contents 1

## Contents

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		Page
5A	Criteria for provisional registration and registration—Act, s 86 (6) (h) and s 88 (6) (h)	4
5B	Conditions of provisional registration and registration—Act, s 91 (h)	5
5C	Criteria for renewal of registration—Act, s 97 (6) (h)	5
6	Catholic systemic schools—Act, s 104 (12), def <i>director</i>	5
<b>Part 4</b>	<b>Home education</b>	
7	Information for registration application—Act, s 131 (2) (b)	6
9	Information for renewal of registration application—Act, s 137 (2) (b)	7
10	Home education reports about educational progress of child—Act, s 138 (2)	8
11	Home education register—Act, s 139 (2)	9
<b>Schedule 1</b>	<b>Schools with student board members—Act, s 41 (2) (f)</b>	10
<b>Part 1.1</b>	<b>Schools</b>	10
<b>Part 1.2</b>	<b>Colleges</b>	11
<b>Endnotes</b>		
1	About the endnotes	13
2	Abbreviation key	13
3	Legislation history	14
4	Amendment history	16
5	Earlier republications	18



Australian Capital Territory

# Education Regulation 2005

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made under the

[Education Act 2004](#)

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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.

### 2A Dictionary

The dictionary at the end of this regulation is part of this regulation.

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

For example, the signpost definition '*parental responsibility*—see the [Children and Young People Act 2008](#), section 15.' means that the term 'parental responsibility' is defined in that section and the definition applies to this regulation.

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

## 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 (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 Information for registration application—Act, s 131 (2) (b)

The following information is prescribed:

- (a) the full names of the child’s parents;
- (b) the parents’ contact details;

**Examples**

- email address
- phone number
- postal address

- (c) a certified copy of a document that shows the parents have parental responsibility for the child;

**Examples**

- child’s birth certificate
- adoption order under the *Adoption Act 1993*, pt 3
- parentage declaration under the *Parentage Act 2004*, s 19

- (d) a certified copy of a document that proves the parents’ home address;

*Note* The parents must tell the director-general within 28 days if the child stops living, or usually living, in the ACT (see [Act](#), s 132 (1) (e) (ii)).

- (e) a certified copy of the child’s—
  - (i) birth certificate; or
  - (ii) if the birth certificate is not available—passport or another document that the director-general is satisfied identifies the child;
- (f) the full name by which the child is known, if different from the name on the document provided under paragraph (e);

- (g) the address of the home base from which the home education will be carried out;
- (h) information about any medical or special needs of the child that may affect the child's educational needs or progress.

**9 Information for renewal of registration application—Act, s 137 (2) (b)**

(1) The following information is prescribed:

- (a) the full names of the child's parents;
- (b) the parents' contact details;

**Examples**

- email address
- phone number
- postal address

(c) a certified copy of a document that shows the parents have parental responsibility for the child;

**Examples**

- child's birth certificate
- adoption order under the *Adoption Act 1993*, pt 3
- parentage declaration under the *Parentage Act 2004*, s 19

- (d) the child's name as shown on the certificate of registration;
- (e) the child's date of birth;
- (f) the address of the home base from which the home education will be carried out;
- (g) the most recent home education report for the child;
- (h) a written statement in accordance with subsection (2).

- (2) A written statement under subsection (1) (h) must be completed by the parents of the child who is the subject of the application, and state how—
- (a) for the most recent period of registration—
    - (i) the parents have provided a high-quality education and educational opportunities for the child; and
    - (ii) the parents have used strategies to encourage their child to learn; and
    - (iii) the plan or approach for the child’s home education has delivered an education consistent with the principles mentioned in the [Act](#), section 128 (d); and
  - (b) the matters mentioned in paragraph (a) will continue to be provided, or delivered, during the period of renewed registration.

*Note 1* The application for renewal of registration, with the information outlined in this section, must be made not later than 3 months before the end of the registration (see [Act](#), s 137 (2) (c)).

*Note 2* The parents must tell the director-general within 28 days if information on the register changes or the child stops living, or usually living, in the ACT (see [Act](#), s 132 (1) (e) (ii)).

## **10 Home education reports about educational progress of child—Act, s 138 (2)**

- (1) A home education report must include examples of the child’s educational progress.
- (2) Despite subsection (1), if a child only receives part of the child’s education through home education, the report only needs to include examples of the child’s educational progress that are relevant to the home education.

(3) In this section:

*educational progress*, of a child, means the child's—

- (a) spiritual, emotional, social and physical development; and
- (b) intellectual development, including development in literacy and numeracy.

## 11 Home education register—Act, s 139 (2)

The following particulars are prescribed:

- (a) the child's full name as shown on the document provided under section 7 (e);
- (b) the full name by which the child is known, if different from the name on the document mentioned in paragraph (a);
- (c) the child's date of birth;
- (d) the child's gender;
- (e) a unique identifying number for the child;
- (f) the full names of the child's parents;
- (g) the total period for which the child is registered for home education, including the dates on which the period begins and ends;
- (h) the address of the home base from which the home education will be carried out.

*Note* The parents must tell the director-general within 28 days if the information on the register changes (see [Act](#), s 132 (1) (e) (i)).

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

(see s 3)

### **Part 1.1              Schools**

<b>column 1 item</b>	<b>column 2 school</b>
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

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<b>column 1 item</b>	<b>column 2 school</b>
18	Telopea Park School
19	The Woden School
20	University of Canberra High School Kaleen
21	Wanniassa School

## **Part 1.2**                      **Colleges**

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<b>column 1 item</b>	<b>column 2 school</b>
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

## Dictionary

(see s 2A)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- child
- director-general (see s 163)
- external territory
- foreign country
- home address
- may (see s 146)
- must (see s 146)
- State.

*Note 3* Terms used in this regulation have the same meaning that they have in the [Education Act 2004](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Education Act 2004](#), dict:

- authorised person (government)
- home education
- home education report (see s 127C)
- new registration (see s 127C)
- parent (see s 6)
- registrar
- school board
- staff
- staff member
- student.

***birth certificate***, for a child, means the child's birth certificate, or a certified extract about the child's birth from the register, under the [Births, Deaths and Marriages Registration Act 1997](#) or a corresponding law of a State, external territory or foreign country.

***parental responsibility***—see the [Children and Young People Act 2008](#), section 15.



## 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

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### 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))

**Education Amendment Act 2019 A2019-47 sch 1**

notified LR 9 December 2019

s 1, s 2 commenced 9 December 2019 (LA s 75 (1))

sch 1 commenced 9 June 2020 (s 2 and LA s 79)

**Education Amendment Regulation 2020 (No 1) SL2020-29**

notified LR 17 August 2020

s 1, s 2 commenced 17 August 2020 (LA s 75 (1))

sch 1 awaiting commencement

remainder commenced 18 August 2020 (s 2 (1))

## Endnotes

4 Amendment history

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### 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

#### Dictionary

s 2A ins [A2019-47](#) amdt 1.1

#### 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 (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  
sub [A2019-47](#) amdt 1.2

#### Information for registration application—Act, s 131 (2) (b)

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  
sub [A2019-47](#) amdt 1.2

**Conditions of registration for home education—Act, s 132 (1) (h)**

s 8 ins [A2019-47](#) amdt 1.2  
om [SL2020-29](#) s 4

**Information for renewal of registration application—Act, s 137 (2) (b)**

s 9 ins [A2019-47](#) amdt 1.2

**Home education reports about educational progress of child—Act, s 138 (2)**

s 10 ins [A2019-47](#) amdt 1.2

**Home education register—Act, s 139 (2)**

s 11 ins [A2019-47](#) amdt 1.2

**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

**Dictionary**

dict

ins [A2019-47](#) amdt 1.3

def **birth certificate** ins [A2019-47](#) amdt 1.3

def **parental responsibility** ins [A2019-47](#) amdt 1.3

## Endnotes

### 5 Earlier republications

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#### 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.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 11 Feb 2005	11 Feb 2005– 30 Dec 2005	not amended	new regulation
R2 31 Dec 2005	31 Dec 2005– 19 Dec 2006	<a href="#">SL2005-40</a>	amendments by <a href="#">SL2005-40</a>
R3 20 Dec 2006	20 Dec 2006– 22 May 2008	<a href="#">A2006-57</a>	amendments by <a href="#">A2006-57</a>
R4 23 May 2008	23 May 2008– 10 Aug 2009	<a href="#">SL2008-22</a>	amendments by <a href="#">SL2008-22</a>
R5 11 Aug 2009	11 Aug 2009– 17 Feb 2011	<a href="#">SL2009-42</a>	amendments by <a href="#">SL2009-42</a>
R6 18 Feb 2011	18 Feb 2011– 20 June 2011	<a href="#">SL2011-3</a>	amendments by <a href="#">SL2011-3</a>
R7 21 June 2011	21 June 2011– 30 June 2011	<a href="#">SL2011-16</a>	amendments by <a href="#">SL2011-16</a>
R8 1 July 2011	1 July 2011– 31 January 2013	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>
R9 1 Feb 2013	1 Feb 2013– 4 Mar 2019	<a href="#">SL2012-32</a>	amendments by <a href="#">SL2012-32</a>
R10 5 Mar 2019	5 Mar 2019– 8 June 2020	<a href="#">A2019-4</a>	amendments by <a href="#">A2019-4</a>
R11 9 June 2020	9 June 2020– 17 Aug 2020	<a href="#">A2019-47</a>	amendments by <a href="#">A2019-47</a>

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