



Australian Capital Territory

# Education Regulation 2005

SL2005-1

made under the

**Education Act 2004**

**Republication No 16**

**Effective: 29 March 2024 – 31 July 2024**

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## 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 29 March 2024. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 29 March 2024.

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 includes 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).



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**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 1A</b>	<b>Compulsory education</b>	
2AA	Student movement register—Act, s 10AA	3
<b>Part 2</b>	<b>Government schools</b>	
2B	Requirements for provision of residential boarding services— Act, s 21 (3)	6
3	Schools with student board members—Act, s 41 (2) (f)	6
4	Appointment of staff member—Act, s 42 (4)	6
<hr/>		
R16	Education Regulation 2005	contents 1
29/03/24	Effective: 29/03/24-31/07/24	

	Page
<b>Part 3</b>	<b>Non-government schools</b>
5	Registration standards—Act, s 84 7
6	In-principle approval application—Act, s 86 (2) (c) 7
6A	Registration application—Act, s 89 (2) (e) 7
6B	Notifiable changes notice—Act, s 96 (4) (d) 8
6C	Registration amendment application—Act, s 98 (1) (h) 9
6D	Applicant to update information 10
<b>Part 4</b>	<b>Home education</b>
7	Information for registration application—Act, s 131 (2) (b) 11
8	Conditions of registration for home education—Act, s 132 (1) (h) 12
9	Information for renewal of registration application—Act, s 137 (2) (b) 14
10	Home education reports about educational progress of child—Act, s 138 (2) 16
11	Home education register—Act, s 139 (2) 16
<b>Schedule 1</b>	<b>Schools with student board members—Act, s 41 (2) (f)</b> 18
<b>Part 1.1</b>	<b>Schools</b> 18
<b>Part 1.2</b>	<b>Colleges</b> 19
<b>Schedule 2</b>	<b>Non-government schools registration standards</b> 20
<b>Part 2.1</b>	<b>Governance</b> 20
2.1	Incorporation 20
2.2	Not-for-profit 20
2.3	Governance structure 20
2.4	Financial viability 20
2.5	Policies and procedures 21
2.6	Annual statement 22
2.7	Continuous improvement 22
2.8	Enrolment policy, procedures and contracts 23
2.9	Complaints policy and procedures 23

---

	Page	
<b>Part 2.2</b>	<b>Educational programs</b>	25
2.10	Curriculum	25
2.11	Educational program accessibility	26
2.12	Educational performance	27
2.13	Student learning outcomes	27
<b>Part 2.3</b>	<b>Safety and welfare</b>	28
2.14	Protection from harm	28
2.15	National Principles for Child Safe Organisations	28
2.16	Encouraging attendance	28
2.17	Student movement register	29
2.18	Behaviour management policy and procedures	29
<b>Part 2.4</b>	<b>Other operational requirements</b>	30
2.19	Compliance with territory and Commonwealth laws	30
2.20	Suitability of key individuals for the proprietor	31
2.21	Teaching staff	32
2.22	Compliance with Working with Vulnerable People (Background Checking) Act 2011	32
2.23	Buildings, facilities and grounds	32
2.24	Educational facilities	33
2.25	Residential boarding services	33
2.26	Emergency management plan	33
<b>Dictionary</b>		34
<b>Endnotes</b>		
1	About the endnotes	36
2	Abbreviation key	36
3	Legislation history	37
4	Amendment history	39
5	Earlier republications	42





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# Education Regulation 2005

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[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 1A Compulsory education

### 2AA Student movement register—Act, s 10AA

- (1) The following information is prescribed for the [Act](#), section 10AA (2) (a):
- (a) the name of the school;
  - (b) the name of the student;
  - (c) the day the student was enrolled at the school;
  - (d) if the student was previously—
    - (i) enrolled at another education provider—the name of the education provider (if known); or
    - (ii) registered for home education—whether the student was registered for home education in the ACT or another State (if known);
- Note* **State** includes the Northern Territory (see [Legislation Act](#), dict).
- (e) the name and contact details of the student’s parents.
- (2) The following information is prescribed for the [Act](#), section 10AA (2) (b):
- (a) the name of the school;
  - (b) the name of the student;
  - (c) the day the enrolment ended;
  - (d) the reason the enrolment ended;
  - (e) if the student is, or is to be, enrolled at another education provider—the name of the new education provider (if known);

- (f) if the student is, or is to be, registered for home education—whether the registration is in the ACT or another State (if known);
  - (g) if the student is not to be enrolled at another education provider, and is not to be registered for home education—the proposed arrangements for the student’s education after the enrolment ends (if known);
  - (h) the name and contact details of the student’s parents.
- (3) The following information is prescribed for the [Act](#), section 10AA (3) (a):
- (a) the name of the student;
  - (b) the day the student was registered for home education;
  - (c) if the student was previously—
    - (i) enrolled at an education provider—the name of the education provider (if known); or
    - (ii) registered for home education in another State—the State where the student was registered for home education (if known);
  - (d) the name and contact details of the student’s parents.
- (4) The following information is prescribed for the [Act](#), section 10AA (3) (b):
- (a) the name of the student;
  - (b) the day the registration ended;
  - (c) the reason the registration ended;

*Note* Registration for home education ends if the registration is cancelled under the [Act](#), s 135, or expires and is not renewed under the [Act](#), s 137.

- (d) if the student is, or is to be, enrolled at an education provider—the name of the education provider (if known); or
- (e) if the student is, or is to be, registered for home education in another State—the State where the student is to be home educated (if known);
- (f) if the student is not to be enrolled at an education provider, and is not to be registered for home education in another State—the proposed arrangements for the student's education after the registration ends (if known);
- (g) the name and contact details of the student's parents.

## Part 2 Government schools

### 2B Requirements for provision of residential boarding services—Act, s 21 (3)

A government school that provides residential boarding services must have policies for the provision of the residential boarding services that comply with AS 5725:2015 (Boarding Standard for Australian schools and residences) as in force from time to time.

*Note* AS 5725:2015 may be purchased at [www.standards.org.au](http://www.standards.org.au).

### 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 Registration standards—Act, s 84

The registration standards are set out in schedule 2.

### 6 In-principle approval application—Act, s 86 (2) (c)

The following information is prescribed:

- (a) the proposed name of the school (if known);
- (b) the applicant's name and contact details;
- (c) the applicant's ACN or ABN;
- (d) the name and contact details for the proposed principal of the school (if known);
- (e) any proposed educational courses, characteristics of the school, or objectives for the school that the applicant believes will assist the Minister's consideration of the application.

### 6A Registration application—Act, s 89 (2) (e)

The following information is prescribed:

- (a) the proposed name of the school (if known);
- (b) the applicant's name and contact details;
- (c) the applicant's ACN or ABN;
- (d) evidence showing that the applicant is registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth);
- (e) evidence showing how the school proposes to comply with the registration standards.

**6B Notifiable changes notice—Act, s 96 (4) (d)**

The following information is prescribed:

- (a) for a change to stop operating the school at a registered campus—the location of the campus;
- (b) for a change to stop providing a level of education at a registered campus—
  - (i) the level of education to be stopped; and
  - (ii) the location of the campus where the level of education is to be stopped;
- (c) for a change to stop providing residential boarding services at a registered campus—the location of the campus where the residential boarding services are to be stopped;
- (d) for a change to restart operating at a previously registered campus—
  - (i) the location of the campus; and
  - (ii) the levels of education the proprietor proposes the school provide at the campus; and
  - (iii) whether the proprietor proposes the school provide residential boarding services at the campus; and
  - (iv) if not all proposed levels of education are to be provided at the campus on the proposed change day—the day the proprietor proposes to start providing each level of education at the campus;
- (e) for a change to restart providing a level of education at a campus—
  - (i) the level of education to be provided; and
  - (ii) the location of the campus where the new level of education is to be provided;

- (f) for a change to restart providing residential boarding services at a campus—the location of the campus where the new residential boarding services are to be provided.

## **6C Registration amendment application—Act, s 98 (1) (h)**

The following information is prescribed:

- (a) the name of the school;
- (b) the applicant's name and contact details;
- (c) for an amendment to operate at a new campus—
  - (i) information about proximity of the new campus to existing campus grounds (for example, the new campus is adjoining the existing campus, the new campus shares a public transport route with the existing campus); and
  - (ii) any proposed change to the location of the school's administration office;
- (d) for an amendment to transfer the school's registration to a new proprietor—
  - (i) the proposed new proprietor's name and contact details; and
  - (ii) evidence showing that the new proprietor is a corporation; and
  - (iii) the proposed new proprietor's ACN or ABN; and
  - (iv) evidence showing that the proposed new proprietor is registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth);
- (e) a summary of the reasons for the proposed amendment;
- (f) evidence of consultation with students, parents and staff about the proposed amendment.

**6D Applicant to update information**

If any information in an application mentioned in sections 6 to 6C changes before the application is decided, the applicant must give the Minister written notice of the details of the change.



## 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.

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

- (1) The following conditions are prescribed:
  - (a) if registration of a child for home education is new registration—the parents must—
    - (i) within 3 months after the day of the current registration, provide a written statement of intent to the director-general that states—
      - (A) how the parents will provide a high-quality education for the child; and
      - (B) the educational opportunities that will be offered by the parents to their child and the strategies they will use to encourage their child to learn; and
      - (C) how the plan or approach for the child's home education will deliver an education consistent with the principles mentioned in the [Act](#), section 128 (d); and
    - (ii) within 3 months after the day of the current registration, or at another time approved by the director-general, meet with an authorised person (government) to discuss the home education of the child and, at the meeting, show any home education documents to the authorised person;

- (b) if registration of a child for home education is registration under the [Act](#), section 131 (3), and the child has been previously registered for home education under that section, but the registration has ended less than 12 months before the current registration begins—within 10 school days from the day of registration, the parents must—
    - (i) provide a written statement of intent that states the matters mentioned in paragraph (a) (i) (A) to (C) to the director-general; and
    - (ii) meet with an authorised person (government) to discuss the home education of the child and, at the meeting, show any home education documents to the authorised person;
  - (c) if registration of a child for home education is renewed under the [Act](#), section 137, and the director-general requests that the parents meet with an authorised person (government)—within 10 school days after the request, or at another time approved by the director-general, the parents must—
    - (i) meet with an authorised person (government) to discuss the home education of the child; and
    - (ii) at the meeting, show any home education documents to the authorised person.
- (2) In this section:

***current registration*** means registration of a child for home education under the [Act](#), section 131 (3), that is in force.

*home education documents*, in relation to a child's home education, means the following:

- (a) programs, materials, and other records for use in the child's home education;
- (b) a statement or documents that show the home base for the child's home education meets the requirements under the [Act](#), section 132 (1) (g).

**Examples—documents**

- photographs
- video recordings

**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	Evelyn Scott School
10	Gold Creek School
11	Harrison School
12	Kingsford Smith School
13	Lanyon High School
14	Lyneham High School
15	Melba Copland Secondary School
16	Melrose High School
17	Namadgi School



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<b>column 1 item</b>	<b>column 2 school</b>
18	Shirley Smith High School
19	Stromlo High School
20	Telopea Park School
21	The Woden School
22	University of Canberra High School Kaleen
23	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

## Schedule 2      Non-government schools registration standards

(see s 5)

### Part 2.1              Governance

#### 2.1              Incorporation

The proprietor of a registered school must be a corporation.

#### 2.2              Not-for-profit

The proprietor of a registered school must be registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth).

#### 2.3              Governance structure

- (1) The proprietor of a registered school must ensure the governance structure of the school enables the school to—
  - (a) fulfill its legal obligations; and
  - (b) be financially viable; and
  - (c) operate safely.
- (2) The proprietor must ensure that the governance responsibilities of the governing body of the school are separate from the day-to-day control and management responsibilities of the principal of the school.

#### 2.4              Financial viability

- (1) The proprietor of a registered school must ensure that the school has access to adequate financial resources for its viable operation.

- (2) The proprietor must ensure that the school's funding model enables delivery of the school's educational programs to the number of students at the school, at the levels of education for which the school is registered.
- (3) The proprietor must ensure that the school's—
  - (a) finances are managed in accordance with the requirements of the [Corporations Act](#); and
  - (b) financial records are audited annually; and
  - (c) financial records and audit reports are made available to the registrar on request.

## **2.5 Policies and procedures**

- (1) The proprietor of a registered school must ensure that the school has policies and procedures in place to ensure the school complies with the registration standards.
- (2) The proprietor must ensure that students, parents and staff are consulted about the following policies for the school:
  - (a) the enrolment policy under standard 2.8;
  - (b) the complaints policy under standard 2.9;
  - (c) the behaviour management policy under standard 2.18.
- (3) The proprietor must ensure that—
  - (a) current and prospective students, parents and staff are made aware of the school's policies and procedures; and
  - (b) the school's policies and procedures are made available to the public; and

**Example—made available to the public**  
published on the school's website

- (c) the school's policies and procedures are made available to the registrar on request.

## 2.6 Annual statement

- (1) The proprietor of a registered school must ensure that a written statement is prepared annually, describing how the school has complied with the registration standards during the year.
- (2) The proprietor must ensure that the school's annual statement is made available to the public.

### Example—made available to the public

- included in a publicly available annual report
- published on the school's website

## 2.7 Continuous improvement

- (1) The proprietor of a registered school must ensure that the school has processes in place to ensure continuous improvement in the operation of the school.
- (2) The proprietor must ensure that the school has processes to—
  - (a) consult students, parents and staff about the operation of the school, including its educational programs; and
  - (b) regularly review complaints and safety incidents; and
  - (c) plan, monitor and assess strategies for improving the operation of the school.
- (3) The proprietor must ensure that the school keeps written records of—
  - (a) the school's processes for improving its operation; and
  - (b) how the strategies are to be monitored and assessed; and
  - (c) whether the strategies have been successful in improving the operation of the school.

## **2.8 Enrolment policy, procedures and contracts**

- (1) The proprietor of a registered school must ensure that the school has—
  - (a) a written enrolment policy; and
  - (b) written enrolment procedures; and
  - (c) a written enrolment contract.
- (2) The proprietor must ensure that the school's enrolment policy and enrolment contract clearly state the grounds on which a student's enrolment may be ended.
- (3) The proprietor must ensure that the school's enrolment policy and enrolment procedures—
  - (a) have regard to the effect on a student of ending the student's enrolment; and
  - (b) apply natural justice and procedural fairness.

*Note* A school must consult students, parents and staff about the school's enrolment policy and ensure it is available to current and prospective students, parents and staff (see standard 2.5).

## **2.9 Complaints policy and procedures**

- (1) The proprietor of a registered school must ensure that the school has—
  - (a) a written complaints policy; and
  - (b) written complaints procedures.

- (2) The proprietor must ensure that the school's complaints policy and complaints procedures—
- (a) include procedures for receiving, assessing, investigating and resolving complaints; and
  - (b) take into account the impact of the issues involved in the complaint on all students involved in the complaint; and
  - (c) apply natural justice and procedural fairness.

*Note* A school must consult students, parents and staff about the school's complaints policy and ensure it is available to current and prospective students, parents and staff (see standard 2.5).

## **Part 2.2 Educational programs**

### **2.10 Curriculum**

- (1) The proprietor of a registered school must ensure that the school has a curriculum framework in place for the organisation and implementation of the school's educational program.
- (2) The proprietor of a school that is registered to provide a level of education from kindergarten to year 10 must ensure the school's educational program complies with the requirements of at least 1 of the following:
  - (a) the Australian curriculum;
  - (b) the International Baccalaureate Primary Years Program;
  - (c) the International Baccalaureate Middle Years Program;
  - (d) the Australian Steiner Curriculum Framework;
  - (e) the Montessori National Curriculum Framework;
  - (f) another curriculum recognised by ACARA.
- (3) The proprietor of a school that is registered to provide a level of education from year 11 to year 12 must ensure the school's educational program complies with the requirements of at least 1 of the following:
  - (a) the Board of Senior Secondary Studies;
  - (b) a diploma program authorised by the International Baccalaureate;
  - (c) the *Education Act 1990* (NSW), section 12 (Curriculum for Higher School Certificate candidates).
- (4) The proprietor must ensure that the nature and content of its educational courses are appropriate for the levels of education the school is registered to provide.

- (5) The proprietor must ensure that the school makes reasonable adjustments to the way the curriculum is delivered for students with disability and students with complex needs.
- (6) A registered school's educational program may include, in addition to the courses required under subsection (2) or (3), other courses, programs, studies or subjects decided by the principal of the school.
- (7) In this section:

*Australian curriculum* means the national curriculum as agreed by the Ministerial Council and administered by ACARA under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Cwlth).

*Australian Curriculum, Assessment and Reporting Authority* (or *ACARA*) means the body established under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Cwlth), section 5 (1).

*Board of Senior Secondary Studies* means the board established under the *Board of Senior Secondary Studies Act 1997*, section 4 (1).

## 2.11 Educational program accessibility

- (1) The proprietor of a registered school must ensure that the school makes information about the school's educational program available to students, parents and staff.

**Example—makes available**

publishes on the school's website

- (2) The proprietor must ensure that the school consults students, parents and staff about significant changes to the school's educational program.



## **2.12 Educational performance**

The proprietor of a registered school must ensure that—

- (a) the educational performance of each student at the school is assessed, monitored and recorded; and
- (b) each student at the school, and their parents, have access to information about the student's performance; and
- (c) at least twice each year, the parents of each student at the school are given a written report about the student's educational performance and social development at the school.

## **2.13 Student learning outcomes**

The proprietor of a registered school must ensure that the school—

- (a) sets learning outcomes for all students at the school; and
- (b) has processes in place to support all students at the school to achieve their learning outcomes, including processes for making reasonable adjustments to support learning outcomes for students with disability and students with complex needs.

## Part 2.3 Safety and welfare

### 2.14 Protection from harm

- (1) The proprietor of a registered school must ensure that the school takes all reasonable steps to protect the following people from harm:
  - (a) students at the school;
  - (b) members of staff of the school;
  - (c) other people involved in the school's operation.
- (2) The proprietor must take all reasonable steps to ensure that the school has a safe and effective learning environment.

### 2.15 National Principles for Child Safe Organisations

The proprietor of a registered school must ensure that the school complies with the National Principles for Child Safe Organisations as in force from time to time.

*Note* The National Principles for Child Safe Organisations is accessible at [childsafeframework.gov.au](https://childsafeframework.gov.au).

### 2.16 Encouraging attendance

- (1) The proprietor of a registered school must ensure that the school has procedures in place to—
  - (a) ensure students attend school regularly; and
  - (b) help parents to encourage students to attend school regularly.
- (2) The proprietor must ensure that, if the procedures are unsuccessful for a student, the student and their parents are referred to support services that encourage regular school attendance.

## **2.17 Student movement register**

The proprietor of a registered school must ensure that the school has procedures in place to ensure the principal of the school complies with procedures established by the director-general under the [Act](#), section 10AB (Student movement register—procedures).

## **2.18 Behaviour management policy and procedures**

- (1) The proprietor of a registered school must ensure that the school has—
  - (a) a written behaviour policy; and
  - (b) written procedures about behaviour.
- (2) The proprietor must ensure that the school’s behaviour policy—
  - (a) deals with the following:
    - (i) for a catholic system school—suspension, expulsion and exclusion of students at the school;
    - (ii) for an independent school—suspension and expulsion of students at the school; and
  - (b) is consistent with the [Act](#), chapter 2A (Suspension, transfer, expulsion and exclusion of students); and
  - (c) has regard to the best interests of—
    - (i) the student whose behaviour is being considered; and
    - (ii) other students; and
    - (iii) members of staff at the school; and
  - (d) applies natural justice and procedural fairness.

*Note* A school must consult students, parents and staff about the school’s behaviour policy and ensure it is available to current and prospective students, parents and staff (see standard 2.5).

## Part 2.4 Other operational requirements

### 2.19 Compliance with territory and Commonwealth laws

- (1) The proprietor of a registered school must ensure that the school complies with all territory and Commonwealth laws that apply to the school.

**Examples—applicable territory and Commonwealth laws**

- *ACT Teacher Quality Institute Act 2010*
- *Australian Education Act 2013* (Cwlth)
- *Children and Young People Act 2008*
- *Disability Discrimination Act 1992* (Cwlth)
- *Discrimination Act 1991*
- *Education Act 2004*
- *Human Rights Act 2004*
- *Ombudsman Act 1989*
- *Privacy Act 1988* (Cwlth)
- *Senior Practitioner Act 2018*
- *Work Health and Safety Act 2011*
- *Working with Vulnerable People (Background Checking) Act 2011*

- (2) The proprietor must ensure that the proprietor, and the school, comply with the conditions of the school's registration.
- (3) The proprietor must tell the registrar within 5 working days, in writing, if any action is taken against the proprietor, or the school, under a territory or Commonwealth law.
- (4) The proprietor, and each other person involved in the management or operation of the school, must comply with any lawful direction given under a territory or Commonwealth law.
- (5) The proprietor, and each other person involved in the management or operation of the school, must make any record the school is required to keep under a territory or Commonwealth law available to the registrar on request.

## **2.20 Suitability of key individuals for the proprietor**

- (1) The proprietor of a registered school must ensure that each key individual for the proprietor is a suitable person to be involved in the governance or management of the school.
- (2) A person is not suitable to be involved in the governance or management of a registered school if the person—
  - (a) is not registered under the *Working with Vulnerable People (Background Checking) Act 2011* to engage in regulated activities involving children; or
  - (b) has been convicted or found guilty, in the ACT, of an offence punishable by imprisonment for at least 1 year; or

*Note* A conviction does not include a spent conviction or an extinguished conviction (see *Spent Convictions Act 2000*, s 16 (c) (i) and s 19H (1) (c) (i)).

- (c) has been convicted or found guilty, outside the ACT, of an offence that, if committed in the ACT, would be punishable by imprisonment for at least 1 year; or
- (d) is or has been bankrupt or personally insolvent; or
- (e) has been the subject of an adverse finding or action taken by a court, tribunal, commission of inquiry, professional disciplinary body or regulatory authority (in the Territory or elsewhere), if the adverse finding or action relates to—
  - (i) dishonest, misleading or deceptive conduct; or
  - (ii) non-compliance with a legal obligation relating to the provision of education; or
  - (iii) a breach of a duty (including a duty of disclosure).

## 2.21 Teaching staff

The proprietor of a registered school must ensure that each person employed to teach at the school is an approved teacher under the *ACT Teacher Quality Institute Act 2010*.

*Note* Approved teachers include registered teachers and people with a permit to teach, but not if the registration or permit is suspended (see *ACT Teacher Quality Institute Act 2010*, s 9).

## 2.22 Compliance with Working with Vulnerable People (Background Checking) Act 2011

- (1) The proprietor of a registered school must ensure that each person carrying out a regulated activity for the school complies with the requirements of the *Working with Vulnerable People (Background Checking) Act 2011*.

- (2) In this section:

*regulated activity*—see the *Working with Vulnerable People (Background Checking) Act 2011*, section 8 (1).

### Examples—regulated activities

- child education services
- child accommodation services
- counselling and support services for children
- commercial services for children

## 2.23 Buildings, facilities and grounds

The proprietor of a registered school must ensure that the school's buildings, facilities and grounds comply with all territory and Commonwealth laws that apply to the buildings, facilities or grounds, including laws about planning, sustainability, building and work health and safety.

## **2.24 Educational facilities**

The proprietor of a registered school must ensure that the school's educational facilities are—

- (a) sufficient to enable the school to effectively provide the educational program offered by the school; and
- (b) suitable for the ages of the students attending the school.

## **2.25 Residential boarding services**

The proprietor of a registered school that provides residential boarding services must ensure that the residential boarding services comply with AS 5725:2015 (Boarding Standard for Australian schools and residences) as in force from time to time.

*Note* AS 5725:2015 may be purchased at [www.standards.org.au](http://www.standards.org.au).

## **2.26 Emergency management plan**

- (1) The proprietor of a registered school must ensure that the school has an emergency management plan.
- (2) The proprietor must ensure that, in developing the emergency management plan, the school has regard to AS 3745-2010 (Planning for emergencies in facilities) as in force from time to time.

*Note* AS 3745-2010 may be purchased at [www.standards.org.au](http://www.standards.org.au).

## 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
- Commonwealth
- corporation
- Corporations Act
- director-general (see s 163)
- external territory
- foreign country
- home address
- may (see s 146)
- must (see s 146)
- State
- the Territory.

*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:

- approved educational course (non-government) (see s 125D (1))
- authorised person (government)
- Catholic system school
- educational course
- education provider (see s 9A)
- governing body
- home education
- home education report (see s 127C)
- independent school
- key individual
- new registration (see s 127C)
- parent (see s 6)
- proprietor



- registrar
- school board
- staff
- staff member
- student.

**adjustment**—see the *Disability Standards for Education 2005* (Cwlth), section 3.3.

**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.

**reasonable**, in relation to an adjustment—see the *Disability Standards for Education 2005* (Cwlth), section 3.4.

## Endnotes

1 About the endnotes

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## 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

### 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)

## Endnotes

3 Legislation history

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**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 commenced 1 February 2021 (s 2 (2))  
remainder commenced 18 August 2020 (s 2 (1))

**Education Amendment Act 2020 A2022-38 pt 3**

notified LR 20 August 2020  
s 1, s 2 commenced 20 August 2020 (LA s 75 (1))  
pt 3 commenced 1 January 2021 (s 2)

**Education Amendment Act 2022 A2022-10 pt 4**

notified LR 17 June 2022  
s 1, s 2 commenced 17 June 2022 (LA s 75 (1))  
pt 4 commenced 20 December 2022 (s 2)

**Education Amendment Regulation 2024 (No 1) SL2024-4**

notified LR 28 March 2024  
s 1, s 2 commenced 28 March 2024 (LA s 75 (1))  
remainder commenced 29 March 2024 (s 2)

## 4 Amendment history

### Notes

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

### Compulsory education

pt 1A hdg ins [A2022-10](#) s 61

### Student movement register—Act, s 10AA

s 2AA ins [A2022-10](#) s 61

### Government schools

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

### Dictionary

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

### Requirements for provision of residential boarding services—Act, s 21 (3)

s 2B ins [A2020-38](#) s 23  
sub [A2022-10](#) s 62

### 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  
sub [A2022-10](#) s 63

### Requirements for provision of boarding facilities—Act, s 86 (6) (h), s 88 (6) (h), s 88B (7) (f), s 90 (7) (f), s 91 (h) and s 97 (6) (h)

s 4A ins [A2020-38](#) s 24  
om [A2022-10](#) s 63

### Registration standards—Act, s 84

s 5 orig s 5 renum as s 7  
ins [SL2005-40](#) s 5  
am [A2006-57](#) s 56  
sub [A2022-10](#) s 63

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

s 5A ins [A2019-4](#) s 15  
om [A2022-10](#) s 63

## Endnotes

4 Amendment history

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**Conditions of provisional registration and registration—Act, s 91 (i)**

s 5B ins [A2019-4](#) s 15  
om [A2022-10](#) s 63

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

s 5C ins [A2019-4](#) s 15  
om [A2022-10](#) s 63

**In-principle approval application—Act, s 86 (2) (c)**

s 6 ins [SL2005-40](#) s 5  
sub [A2022-10](#) s 63

**Registration application—Act, s 89 (2) (e)**

s 6A ins [A2022-10](#) s 63

**Notifiable changes notice—Act, s 96 (4) (d)**

s 6B ins [A2022-10](#) s 63  
am [SL2024-4](#) s 4

**Registration amendment application—Act, s 98 (1) (h)**

s 6C ins [A2022-10](#) s 63  
am [SL2024-4](#) s 5; pars renum R16 LA

**Applicant to update information**

s 6D ins [A2022-10](#) s 63

**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  
ins [SL2020-29](#) sch 1

**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; [SL2024-4](#) s 6, s 7; items  
renum R16 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

**Non-government schools registration standards**

- sch 2 ins [A2022-10](#) s 64

**Dictionary**

- dict ins [A2019-47](#) amdt 1.3  
am [A2022-10](#) s 65, s 66  
def **adjustment** ins [A2022-10](#) s 67  
def **birth certificate** ins [A2019-47](#) amdt 1.3  
def **parental responsibility** ins [A2019-47](#) amdt 1.3  
def **reasonable** ins [A2022-10](#) s 67

## 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>
R12 18 Aug 2020	18 Aug 2020– 31 Dec 2020	<a href="#">SL2020-29</a>	amendments by <a href="#">SL2020-29</a>



Republication No and date	Effective	Last amendment made by	Republication for
R13 1 Jan 2021	1 Jan 2021– 31 Jan 2021	<a href="#">A2020-38</a>	amendments by <a href="#">A2020-38</a>
R14 1 Feb 2021	1 Feb 2021– 19 Dec 2022	<a href="#">A2020-38</a>	amendments by <a href="#">SL2020-29</a>
R15 20 Dec 2022	20 Dec 2022– 28 Mar 2024	<a href="#">A2022-10</a>	amendments by <a href="#">A2022-10</a>

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