



Australian Capital Territory

Education Amendment Act 2006 (No 2)

A2006-57

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Australian Capital Territory

Education Amendment Act 2006 (No 2)

A2006-57

An Act to amend the *Education Act 2004*, and for other purposes

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

J2005-60

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Education Amendment Act 2006 (No 2)*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the *Education Act 2004*.

Note This Act also amends the *Education Regulation 2005* (see ss 56-58).

**4 General principles of Act
Section 7 (1)**

omit

, or in the education of children of school age in the ACT,

substitute

, or in the school or home education of children in the ACT,

5 Section 7 (3)

omit

, or in the education of children of school age in the ACT,

substitute

, or in the school education of children in the ACT,

**6 Main objects of Act
Section 8 (a)**

omit

in relation to school education

substitute

in relation to education

7 Section 8 (b)

omit

compulsory school education

substitute

compulsory education

**8 Compulsory enrolment
Section 10 (3) (a)**

substitute

- (a) the child lives in the ACT but is enrolled in a school under State law and the parents have given the chief executive written notice of the enrolment; or

**9 Student transfer register
New section 17 (2)**

insert

- (2) The principal of a school must comply with any procedures established under subsection (1) for recording the transfer of students to and from the school that are notified to the principal by the chief executive.

**10 Minister to seek advice
Section 19**

relocate to division 3.5.3 as section 66

**11 Definitions for pt 3.4
Section 37, definition of *prescribed period*,
paragraph (a) (i)**

omit

1 March

substitute

1 April

12 Section 37, definition of *prescribed period*, paragraph (b)

omit

February

substitute

March

**13 Declaration of parents and citizens associations in
certain circumstances
Section 40 (3)**

omit

subsection (2) or (3)

substitute

subsection (1) or (2)

14 Section 40 (5)

omit

under subsection (1)

substitute

under subsection (4)

15 Section 41 heading

substitute

41 Composition of school boards generally

16 Section 41 (1) (b)

omit

Constitution

substitute

Composition

17 Section 42 heading

substitute

42 Composition of school boards of small schools

18 Section 42 (1)

omit

Constitution

substitute

Composition

19 Section 43 heading

substitute

43 Composition of school boards of school-related institutions and other schools in special circumstances

20 Section 43

omit

constitution

substitute

composition

**21 Procedures governing proceedings of school boards
Section 48 (4) (a)**

omit

Constitution

substitute

Composition

**22 Functions of council (government)
Section 55 (d), note**

substitute

Note The Minister must present a copy of any advice given under s 55 (a) or (b) to the Legislative Assembly (see s 66A).

23 New division 3.5.3 heading

after section 65, insert

**Division 3.5.3 Other provisions relating to council
(government)**

**24 Annual report by council (government)
Section 66**

omit

25 Division 3.6.3 heading

omit

**26 Protection of members of school boards
Section 72**

relocate to division 3.4.3 as section 49A

**27 Minister to present advice of council (government)
Section 73**

relocate to division 3.5.3 as section 66A

**28 Minister to seek advice
Section 76**

relocate to division 4.4.3 as section 118

29 Section 79

substitute

79 Register of non-government schools

- (1) The registrar must keep a register of non-government schools.
- (2) A person may, without charge, inspect the register of non-government schools during ordinary business hours at the office of the chief executive.
- (3) A person may, on payment of the reasonable copying costs, obtain a copy of all or part of the register.

**30 Schools to be registered
New section 82 (2A)**

insert

- (2A) The principal of a school commits an offence if—
- (a) the school is not registered or provisionally registered under this part for education at a particular campus; and
 - (b) the school begins educating a child at that campus.

Maximum penalty: 10 penalty units.

**31 Applications for in-principle approval for proposed registration
New section 83 (1) (ab)**

insert

- (ab) section 88A for registration of a school at an additional campus; or

**32 Applications for in-principle approval for proposed registration
Section 83 (3) and (4)**

substitute

- (3) The application must state the day the person proposes to begin operating the school or operating the school at the additional campus or additional educational level (the *proposed opening day*).
- (4) The proposed opening day must be at least 2 years, but not more than 4 years, after the day the application is made.

**33 Deciding in-principle applications
New section 84 (1A)**

insert

- (1A) In deciding whether to give in-principle approval for the registration of a school at an additional campus, the Minister must have regard to—
 - (a) whether the provision of the additional campus by the school would undermine the viability of other existing schools; and
 - (b) the demand for the additional campus, including the level of registration of interest shown by the community for the proposed provision of the additional campus by the school.

34 Section 84 (3) and (4)

after

subsection (1)

insert

, (1A)

35 New sections 88A and 88B

insert

88A Application for registration at additional campus

- (1) This section applies if—
 - (a) a proprietor of a registered non-government school has in-principle approval under section 84 (Deciding in-principle applications) to apply for registration of the school at a stated additional campus; and
 - (b) the proprietor has given the registrar written notice of the proprietor's intention to apply at least the prescribed period before the first day of the school year or term when it is proposed to begin operating the school at the additional campus; and
 - (c) the in-principle approval has not lapsed.
- (2) The proprietor of the school may apply in writing to the Minister for registration of the school at the additional campus.
- (3) The chief executive must publish notice of the making of the application in a daily newspaper printed and published in the ACT.
- (4) The notice must state that written comments on the proposed registration may be made to the Minister within a stated period of at least 60 days after the day the notice is published.
- (5) The chief executive must make a copy of the application available for inspection by members of the public at the chief executive's office during ordinary business hours.
- (6) In this section:

prescribed period means—

 - (a) 6 months; or

-
- (b) if the Minister approves a shorter period for the application—
that period.

88B Registration at additional campus

- (1) This section applies if an application is made under section 88A for registration of a school at an additional campus.
- (2) Before deciding whether the school should be registered at the additional campus, the Minister must appoint a panel to report to the Minister on the application.

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

Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (3) If the Minister is satisfied after considering the panel's report that the school meets the criteria mentioned in subsection (7), the Minister must direct the registrar to register the school at the additional campus.
- (4) If the Minister directs the registrar to register the school at the additional campus, the registrar must register the school at the additional campus by—
- (a) entering the particulars of the school required under the regulations in the register of non-government schools; and
 - (b) giving the proprietor of the school a certificate of registration that includes the additional campus (a *new certificate*).
- (5) If the registrar gives the proprietor a new certificate, the proprietor must return the school's existing certificate of registration to the registrar within 14 days after the day the proprietor receives the new certificate.

- (6) If the Minister is not satisfied after considering the panel's report that the school meets the criteria mentioned in subsection (7), the Minister must direct the registrar to refuse to register the school at the additional campus.
- (7) The criteria for registration of a school at an additional campus are that—
 - (a) the school will have appropriate policies, facilities and equipment for—
 - (i) the curriculum to be offered by the school at the additional campus; and
 - (ii) the safety and welfare of its students at the additional campus; and
 - (b) the curriculum (including the framework of the curriculum and the principles on which the curriculum is based) meets the curriculum requirements for students attending government schools; and
 - (c) the nature and content of the education to be offered at the school will be appropriate for the additional campus; and
 - (d) the teaching staff will be qualified to teach at the additional campus; and
 - (e) the school will have satisfactory processes to monitor quality educational outcomes at the additional campus; and
 - (f) the school will be financially viable.

**36 Certificate of provisional registration or registration
Section 92 (1) (c)**

substitute

- (c) state the location of the campus or campuses for which the school is provisionally registered or registered under this part; and

**37 Inspection of panel reports for school registration etc
New section 98 (1) (ba)**

insert

(ba) section 88B (Registration at additional campus);

38 Section 104 heading

substitute

104 Suspension, transfer or exclusion of students—Catholic systemic schools

**39 Functions of council (non-government)
Section 107, note**

substitute

Note The Minister must present a copy of any advice given under s 107 (a) or (b) to the Legislative Assembly (see s 118A).

40 New division 4.4.3 heading

after section 117, insert

**Division 4.4.3 Other provisions relating to council
(non-government)**

**41 Annual report by council (non-government)
Section 118**

omit

**42 Miscellaneous
Division 4.5.3 heading**

omit

**43 Inspection of register of non-government schools
Section 126**

omit

**44 Minister to present advice of council (non-government)
Section 127**

relocate to division 4.4.3 as section 118A

45 Section 130

substitute

130 Provisional registration for home education

- (1) The parents of a child may apply, in writing, to the chief executive for registration of the child for home education.
- (2) On receiving an application under subsection (1), the chief executive must provisionally register the child for home education.
- (3) Provisional registration for home education ends—
 - (a) 6 months after the day the provisional registration begins; or
 - (b) if the child is registered sooner under section 131 (3)—on the day the child is registered.

**46 Registration for home education
Section 131 (1)**

substitute

- (1) This section applies if a child is provisionally registered for home education under section 130.

**47 Registration of child
Section 133 (1)**

omit

(1)

48 Section 133 (2)

omit

**49 Members of school boards
Section 166**

omit

Constitution

substitute

Composition

50 Schedule 1, part 1.1, new item 4A

insert

4A	88B (6)	directing registrar to refuse to register a non-government school at an additional campus	proprietor of the school
----	---------	---	-----------------------------

51 Schedule 1, part 1.2, item 5, column 3

omit

a shorter period than the period applied for

substitute

less than 2 years

52 Dictionary, definition of *appointed member*, board *appointed member* and *parents and citizens member*

omit

Constitution

substitute

Composition

53 Dictionary, definition of *proposed opening day*

omit

83 (4)

substitute

83 (3)

54 Dictionary, definitions of *staff member* and *student member*

omit

Constitution

substitute

Composition

55 Further amendments, mentions of *child* etc

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 7 (2) (b) (vii)	children	students
2	section 7 (2) (e)	children	students
3	section 18 (c)	children	students

column 1 item	column 2 provision	column 3 omit	column 4 substitute
4	section 18 (d) (i)	children	students
5	section 18 (e)	children's	students'
6	section 25 (1)	child	student
7	section 25	child's	student's
8	section 27	child	student
9	section 27 (2) (b)	child's	student's
10	section 29 (2) and (4)	children	students
11	section 29 (4)	Children	Students
12	section 30 (1)	children	students
13	section 31 heading	children	students
14	section 31 (1)	child	student
15	section 33 (1)	child	student
16	section 34 (2) (a)	children	students
17	section 35 (1) (a)	children	students
18	section 35 (3)	child	student
19	section 35 (3)	child's	student's
20	section 36 heading	child	student
21	section 36	child	student
22	section 36	child's	student's
23	section 36 (1) (a) (iv)	children	students
24	section 81 heading	children	students
25	section 81 (1)	child	student

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
26	section 82	child	student
27	section 100 (1)	child	student
28	section 101 (2) (a)	children	students
29	section 102 (1) (a)	children	students
30	section 102 (3)	child	student
31	section 102 (3)	child's	student's
32	section 103 (1)	child	student
33	section 103 (1)	child's	student's
34	section 103 (2)	child's	student's
35	section 104	child	student
36	section 104	child's	student's
37	section 104 (1) (a) (iv)	children	students
38	section 105 heading	children	students
39	section 105	child	student
40	section 105	child's	student's
41	section 105 (1) (a) (iv)	children	students
42	section 149	child	child or student
43	schedule 1, part 1.2, item 3, column 3	child	student
44	schedule 1, part 1.2, item 3, column 4	child	student

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
45	dictionary, definitions of <i>approved educational course (government)</i> and <i>approved educational course (non-government)</i>	children	students
46	dictionary, definition of <i>exclusion</i>	child	student

56 Education Regulation 2005, section 5 (1) (c)

substitute

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

57 Education Regulation 2005, section 7 heading

substitute

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

58 Education Regulation 2005, section 7 (1) (a)

substitute

- (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 chief executive that identifies the child;

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 May 2006.

2 Notification

Notified under the Legislation Act on 19 December 2006.

3 Republications of amended laws

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

I certify that the above is a true copy of the Education Amendment Bill 2006 (No 2), which originated in the Legislative Assembly as the Education Amendment Bill 2006 and was passed by the Assembly on 12 December 2006.

Clerk of the Legislative Assembly

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