

2004

THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

Education Bill 2003
Government Amendments

Supplementary Explanatory Statement

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EDUCATION BILL 2003

EXPLANATORY STATEMENT

GOVERNMENT AMENDMENTS EDUCATION BILL 2003

An explanation of government amendments to the Bill are outlined below.

Section 2 Commencement

States the day the Act takes effect, which is 1 January 2005.

Section 7 General principles of Act

States the principles on which school education and home education is based covering the right of children to receive a high quality education. Without limiting its meaning and scope, a high quality education is based on the principles subsequently listed in the section.

The first principle states that school and home education provide a foundation for a democratic society.

The section lists the other general principles in terms of what school education and home education should do. These are:

- aim to develop every child's potential and maximise their educational achievements;
- promote students' enthusiasm for lifelong learning and their optimism for the future;
- encourage parents to take part in the education of their children, and recognise their right to choose a suitable educational environment;
- recognise the social, religious, physical, intellectual and emotional needs of all students;
- aim over time to improve learning outcomes so that student outcomes are free from disadvantage because of economic, social, cultural or other causes;
- encourage all children to complete their senior secondary education;
- provide access to a broad education; and
- recognise the needs of Indigenous students.

Further principles are that:

- innovation, diversity and opportunity within and among schools should be encouraged;
- effective quality assurance mechanisms should be applied to school education;
- government funding should be directed to children through their schools or school system;
- the partnership between the home, community and educational providers is recognised; and,

- information should be given to school communities about the operation of their school.

Sub section (3) specifies that each person involved in the administration of this legislation or in the education for children of school age in the ACT, is to apply the principle that school education recognises the individual needs of children with disabilities.

Appropriate provision should be made for those needs, unless it would impose unjustifiable hardship on the provider of the school education.

Sub section (4) prohibits the use of corporal punishment in ACT schools.

Section 30 Curriculum

This section gives the chief executive overall responsibility for setting the framework for the curriculum in government schools (other than in years 11 and 12) and establishing the principles on which the curriculum is based.

Section 85 Application for provisional registration

Enables an application to be made to the Minister to conduct a non government school in the Territory, provided the person making the application has in principle approval (under section 84) and that in principle approval has not lapsed.

The application is made for the initial provisional registration of the school. It requires the applicant to give written notice of their intention to apply and to state the location of the proposed school.

The chief executive must publish notice of the making of an application in a daily newspaper printed and published in the ACT.

A copy of the application for provisional registration must be made available for the public to expect at the chief executive's office during normal business hours.

A notification period applies. The notice of intention to conduct a school must be made to the Minister at least six months before the first day of the school year or school term when it is proposed to begin conducting the school. The Minister can approve a lesser period.

Section 97A Inspection of reports by panel

This section applies where a report is made to the Minister by a panel on the provisional registration, registration, registration of additional educational levels or renewal of registration of a non government school.

That report is available for the public to inspect without charge at the office of the chief executive during business hours. Members of the public can purchase a copy, or part of the report on payment of reasonable copying costs.

Section 125 (1) Inspection of register of non-government schools

A copy of the register of non government schools is available for inspection during business hours at the chief ministers office without charge.

Section 135 Certificate of registration for home education

A certificate of registration for home education must include:

- the name of the child registered for home education;
- the name of the child's parents or parent;
- where the home education is mainly to be given;
- the period of registration;
- the conditions of registration and
- any other particulars prescribed under the regulations.

Section 142 Powers on entry

The purpose of this section is to enable an authorised person to enter a home education premises (with consent) to assess if the conditions for registration for home education are being met. It limits the inspection powers to education program materials and other records used for home education.

Section 155A Notices of intention under former education Act to conduct schools at additional educational levels

The purpose of this section is to allow for the registration of a non government school to conduct education at additional levels where the school applied for provisional registration under the previous education act (Education Act 1937) and received in principle approval. In principle approval lapses on 31 December 2014.

This section lapses on 1 January 2015.

Section 171A

This section allows the Chief Executive to modify regulations regarding Chapter 7 of the former education act to deal with matters the Chief Executive feels are not already adequately covered.

SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Part 2.1 – Board of Senior Secondary Studies Act Division 3.3 Special education providers

Section 27A Approved specialist education providers

The board may approve specialist education providers for this Act, and the board must keep an up-to-date list of approved specialist education providers.

Section 27B Criteria for approval

The board may approve a person, a company, an organisation or a group as a specialist education provider only if satisfied that the following criteria are met:

- (a) the provider will have premises and equipment that comply with any relevant Territory laws about health and safety standards;
- (b) the nature and content of the education to be offered by the provider will be satisfactory for the educational levels for which approval as a provider is sought; and
- (c) the teaching staff will be efficient and effective; and
- (d) the facility operated by the provider will be conducted in a satisfactory way; and
- (e) the disciplinary policy of the provider will not allow corporal punishment.

Section 27C Suspension of approval

The board may suspend the approval of a specialist education provider if the board is no longer satisfied, on reasonable grounds, that the provider meets the approval criteria.

Section 27D Cancellation of approval

The board must cancel the approval of a specialist education provider if, on at least 3 occasions, a ground existed on which the board would have been entitled to suspend the approval of the provider.

Section 27E Notice of decisions

The board must give written notice for a decision refusing to approve an application for approval as a specialist education provider under section 27A –

to the applicant; and for a decision suspending or cancelling approval of a specialist education provider under section 27C or 27D – to the specialist education provider. The notice must be in accordance with the requirements of the code of practice under the *Administrative Appeals Tribunal Act 1989*, section 25B(1).