

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Steve Dospot)

Education Amendment Bill 2009 (No 2)

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 New sections 17B and 17C	2
5 Establishing government schools etc Section 20 (3), example	3
6 Suspension, exclusion or transfer of student by chief executive Section 36 (6)	3
7 Section 36 (7) to (10) and note	4
8 Appointment of authorised persons (government) New section 67 (4)	4
9 Applications for in-principle approval for proposed registration Section 83 (7)	5
10 Deciding in-principle applications Section 84 (7)	5

J2009-797

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

Contents

	Page
11 Application for provisional registration Section 85 (5)	5
12 Application for registration Section 87 (4)	5
13 Application for registration at additional campus Section 88A (5)	6
14 Application for registration at additional educational levels Section 89 (5)	6
15 Suspension, transfer or exclusion of students—Catholic systemic schools Section 104 (6) and (7)	6
16 Section 104 (8) to (12)	7
17 Appointment of authorised persons (non-government) New section 119 (4)	7
18 Schedule 1, new item 3A	7
19 Dictionary, note 2	8
20 Dictionary, new definition of <i>director</i>	8
21 Education Regulation 2005, section 6 heading	8

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Steve Dospot)

Education Amendment Bill 2009 (No 2)

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Education Amendment Act 2009 (No 2)*.

3 **2 Commencement**

4 This Act commences on 1 February 2010.

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

7 **3 Legislation amended**

8 This Act amends the *Education Act 2004*.

9 *Note* This Act also amends the *Education Regulation 2005* (see s 21).

10 **4 New sections 17B and 17C**

11 *in chapter 2, insert*

12 **17B Guidelines—students returning to school after**
13 **suspension**

- 14 (1) The chief executive must issue guidelines about students returning
15 to school after suspension.

16 *Note* For suspension of students, see s 36 (government schools), s 104
17 (Catholic systemic schools) and s 105 (other non-government schools).

- 18 (2) A guideline is a notifiable instrument.

19 *Note* A notifiable instrument must be notified under the Legislation Act.

- 20 (3) The principal of a school must take reasonable steps to comply with
21 the guidelines.

1 **17C Review of operation of guidelines**

- 2 (1) The Minister must review the first year of operation of the
3 guidelines issued under section 17A.
- 4 (2) The Minister must present a report on the review to the Legislative
5 Assembly within 3 months after the end of the first year of operation
6 of the guidelines.
- 7 (3) This section expires 2 years after the day it commences.

8 **5 Establishing government schools etc**
9 **Section 20 (3), example**

10 *omit*

11 Hindmarsh Education Centre

12 *substitute*

13 Murrumbidgee Education and Training Centre

14 **6 Suspension, exclusion or transfer of student by chief**
15 **executive**
16 **Section 36 (6)**

17 *substitute*

- 18 (6) If the student is suspended for 7 or more school days in a school
19 term (whether or not consecutive school days), the chief executive
20 must ensure that the student is given a reasonable opportunity to
21 attend appropriate counselling.

1 **7 Section 36 (7) to (10) and note**

2 *substitute*

3 **36A Immediate suspension by chief executive**

- 4 (1) The chief executive may immediately suspend a student mentioned
5 in section 36 (1) (a) for not longer than 5 days if, in the chief
6 executive's opinion, the circumstances are of such urgency or
7 seriousness as to require the student's immediate suspension.
- 8 (2) The chief executive need only comply with section 36 (5) to the
9 extent that it is practicable and appropriate to do so.
- 10 (3) To remove any doubt, the chief executive may suspend a student
11 under this section while deciding what other action (if any) should
12 be taken in relation to the student under section 36.

13 **36B Delegation by chief executive**

- 14 (1) The chief executive may delegate the chief executive's power to
15 suspend a student from a government school for not longer than
16 20 days to the school's principal.
- 17 (2) The chief executive may delegate the chief executive's power to
18 transfer a student from a government school to another government
19 school to a public servant.

20 *Note* For the making of delegations and the exercise of delegated functions,
21 see the Legislation Act, pt 19.4.

22 **8 Appointment of authorised persons (government)**
23 **New section 67 (4)**

24 *insert*

- 25 (4) To remove any doubt, a person may be both an authorised person
26 (government) and an authorised person (non-government).

1 **9 Applications for in-principle approval for proposed**
2 **registration**
3 **Section 83 (7)**

4 *substitute*

- 5 (7) The chief executive must make a copy of the application for
6 in-principle approval available for inspection free of charge to the
7 public during normal business hours at the office of an
8 administrative unit administered by the chief executive.

9 **10 Deciding in-principle applications**
10 **Section 84 (7)**

11 *substitute*

- 12 (7) The chief executive must make a copy of the Minister's reasons
13 available for inspection free of charge to the public during normal
14 business hours at the office of an administrative unit administered
15 by the chief executive.

16 **11 Application for provisional registration**
17 **Section 85 (5)**

18 *substitute*

- 19 (5) The chief executive must make a copy of the application for
20 provisional registration available for inspection free of charge to the
21 public during normal business hours at the office of an
22 administrative unit administered by the chief executive.

23 **12 Application for registration**
24 **Section 87 (4)**

25 *substitute*

- 26 (4) The chief executive must make a copy of the application for
27 registration available for inspection free of charge to the public
28 during normal business hours at the office of an administrative unit
29 administered by the chief executive.

1 **13 Application for registration at additional campus**
2 **Section 88A (5)**

3 *substitute*

- 4 (5) The chief executive must make a copy of the application for
5 registration available for inspection free of charge to the public
6 during normal business hours at the office of an administrative unit
7 administered by the chief executive.

8 **14 Application for registration at additional educational**
9 **levels**
10 **Section 89 (5)**

11 *substitute*

- 12 (5) The chief executive must make a copy of the application for
13 registration available for inspection free of charge to the public
14 during normal business hours at the office of an administrative unit
15 administered by the chief executive.

16 **15 Suspension, transfer or exclusion of students—Catholic**
17 **systemic schools**
18 **Section 104 (6) and (7)**

19 *substitute*

- 20 (6) If the student is suspended for 7 or more school days in a school
21 term (whether or not consecutive school days), the director must
22 ensure that the student is given a reasonable opportunity to attend
23 appropriate counselling.
- 24 (7) If the director excludes a student from all Catholic systemic schools,
25 the director must give the registrar written notice of the exclusion.

26 *Note* **Director**—see the dictionary.

16 Section 104 (8) to (12)*substitute***104A Immediate suspension by director**

- (1) The director may immediately suspend a student mentioned in section 104 (1) (a) for not longer than 5 days if, in the director's opinion, the circumstances are of such urgency or seriousness as to require the student's immediate suspension.
- (2) The director need only comply with section 104 (5) to the extent that it is practicable and appropriate to do so.
- (3) To remove any doubt, the director may suspend a student under this section while deciding what other action (if any) should be taken in relation to the student under section 104.

104B Delegation by director

The director may delegate the director's power to suspend a student from a school for not longer than 20 days to the school's principal.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

**17 Appointment of authorised persons (non-government)
New section 119 (4)***insert*

- (4) To remove any doubt, a person may be both an authorised person (government) and an authorised person (non-government).

18 Schedule 1, new item 3A*insert*

3A	36A	immediately suspend student	parents of student	chief executive
----	-----	-----------------------------	--------------------	-----------------

1 **19 Dictionary, note 2**

2 *insert*

- 3 • administrative unit
4 • public servant

5 **20 Dictionary, new definition of *director***

6 *insert*

7 *director* means the person occupying the position prescribed by
8 regulation for this definition.

9 **21 Education Regulation 2005, section 6 heading**

10 *substitute*

11 **6 Catholic systemic schools—Act, dict, def *director***

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2009.

2 Notification

Notified under the Legislation Act on 2009.

3 Republications of amended laws

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