



Queensland

Education (General Provisions) Amendment Regulation (No. 1) 2005

Subordinate Legislation 2005 No. 312

made under the

Education (General Provisions) Act 1989

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1 Short title

This regulation may be cited as the *Education (General Provisions) Amendment Regulation (No. 1) 2005*.

2 Commencement

This regulation commences on 1 January 2006.

3 Regulation amended

This regulation amends the *Education (General Provisions) Regulation 2000*.

4 Insertion of new ss 76AB and 76AC

After section 76AA—

insert—

‘76AB Fee for distance education—Act, s 24A

‘(1) For section 24A(2)¹ of the Act, the fee for the provision of distance education to a person enrolled in a program of distance education is—

- (a) in 2006—\$500; and
- (b) in each later year—\$1000.

‘(2) However, the fee mentioned in subsection (1) is not payable if—

- (a) the person lives in a remote area; or
- (b) the person—
 - (i) can not attend a State educational institution, other than a school of distance education, for more than 80 consecutive school days because of the person’s state of health; and
 - (ii) gives the chief executive a medical certificate stating that fact; or

¹ Section 24A (Fee for distance education provided by a State school) of the Act

- (c) the person has an itinerant lifestyle; or
- (d) the person—
 - (i) is excluded from 1 or more, but not all, State educational institutions, other than schools of distance education, under section 36 or 36E² of the Act; and
 - (ii) would live in a remote area if the institution, or institutions, from which the person is excluded were taken not to be a nearest applicable school for the purposes of the definition *remote area*; or
- (e) the person is excluded from all State educational institutions, other than schools of distance education, under section 36E of the Act; or
- (f) the person can not attend a State educational institution, other than a school of distance education, because the person is caring for his or her child, or another child for whom the person has or exercises parental responsibility; or
- (g) the person—
 - (i) can not attend a State educational institution, other than a school of distance education, because the person is caring for someone, other than a child mentioned in paragraph (f), on a regular basis; and
 - (ii) gives the chief executive a medical certificate stating that fact; or
- (h) the person can not be a mature age student of a mature age State educational institution because the person has been issued with a negative notice under section 26AE³ of the Act; or
- (i) the person is in the custody of the chief executive (corrective services) at a corrective services facility under the *Corrective Services Act 2000*.

2 Section 36 (Exclusion of student by supervisor) or 36E (Exclusion of student by chief executive) of the Act

3 Section 26AE (Decision on application) of the Act

- ‘(3) For subsection (2)(c), a person has an itinerant lifestyle if—
- (a) because of the nature of the occupation in which the person or a parent of the person is engaged—
 - (i) the person’s principal place of residence changes at least twice in the relevant school year or at least 5 times in the period consisting of the relevant school year and the school year immediately before or after the relevant school year; or
 - (ii) the person spends at least 60 school days of the relevant school year (consisting of periods of 5 consecutive school days or more) away from the person’s principal place of residence; or
 - (iii) the person’s principal place of residence is a caravan and the location of the caravan changes at least twice in the relevant school year or at least 5 times in the period consisting of the relevant school year and the school year immediately before or after the relevant school year; or
 - (iv) the place where the person lives changes at least twice in the relevant school year and the person does not have a principal place of residence; and

Examples of an occupation for paragraph (a)—

carnival worker, contract harvester or shearer

- (b) the person spends at least 120 school days of the relevant school year in the State.

- ‘(4) In this section—

caravan means a caravan under the *Residential Tenancies Act 1994*.

medical certificate means a certificate signed by a registrant under the *Psychologists Registration Act 2001* or a medical practitioner.

relevant school year means the school year in relation to which the person is enrolled in the program of distance education.

‘76AC Waiver of fee for distance education

- ‘(1) The chief executive may waive, entirely or partly, payment of the fee mentioned in section 76AB(1) for a person if—
- (a) the chief executive is satisfied—
 - (i) the person is, or has been, enrolled in a program of distance education and would suffer a significant educational disadvantage if the person were not able to continue in the program; and
 - (ii) payment of the fee would cause financial hardship to the person liable to pay it; or

Example for paragraph (a)—

A parent of a child enrolled in a program of distance education for 1 year may be unable to pay the fee for the following year because of temporary financial hardship.

- (b) the chief executive is satisfied the waiver is appropriate and reasonable because exceptional circumstances exist in relation to the person.
- ‘(2) In making a decision under subsection (1)(b) about waiving payment of the fee for a person, the chief executive may have regard to any relevant matter of which the chief executive is aware, including, for example—
- (a) whether the person would suffer a significant educational disadvantage if the person were not able to enrol in a program of distance education; or
 - (b) whether a program of distance education is the most appropriate educational program for the person.’

5 Amendment of sch 3 (Dictionary)

Schedule 3, definition *nearest applicable school*—

insert—

- ‘(d) for deciding if a fee under section 76AB(1)⁴ is payable for the provision of distance education to a person—the

4 Section 76AB (Fee for distance education—Act, s 24A)

nearest State school with the required year level for the person.’.

ENDNOTES

- 1 Made by the Governor in Council on 15 December 2005.
- 2 Notified in the gazette on 16 December 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Education and the Arts.