



Queensland

# Education Legislation Amendment Regulation (No. 2) 2014

## Subordinate Legislation 2014 No. 300

made under the

*Education (Accreditation of Non-State Schools) Act 2001*  
*Education (General Provisions) Act 2006*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Education Legislation Amendment Regulation (No. 2) 2014*.

### **2 Commencement**

- (1) Sections 11 and 12 commence on 27 January 2015.
- (2) The remaining provisions of this regulation commence on 1 January 2015, immediately after the *Education, Training and Other Legislation Amendment Regulation (No. 1) 2013*, section 4 and part 3 commence.

## **Part 2 Amendment of Education (Accreditation of Non-State Schools) Regulation 2001**

### **3 Regulation amended**

This part amends the *Education (Accreditation of Non-State Schools) Regulation 2001*.

### **4 Amendment of s 7 (Educational program)**

Section 7(1)—

*insert—*

*Note—*

For special assistance schools, see also section 9AA(1).

### **5 Insertion of new s 9AA**

After section 9—

[s 5]

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*insert—*

### **9AA Special assistance schools**

- (1) A special assistance school's written educational program must promote continuous engagement by the school's relevant students in primary or secondary education.

*Note—*

For requirements for a school's written educational program generally, see also section 7.

- (2) Also, the school must have a written standard of service, appropriate to the school's relevant students achieving learning standards under the educational program.
- (3) The standard must deal with—
  - (a) the regular tracking and assessment of work submitted by the relevant students to the teachers; and
  - (b) the regular monitoring of—
    - (i) attendance by the relevant students at an accredited special assistance site for the school; and
    - (ii) the relevant students' achievement of the learning standards; and
    - (iii) the relevant students' participation in the educational program; and
  - (c) strategies for engaging the relevant students, and keeping the relevant students engaged, in primary education or secondary education.
- (4) The school's governing body must be able to demonstrate how the school is meeting the standard of service.
- (5) This section does not limit the application of other provisions of this division.

- (6) In this section—  
*relevant students*, of a school, means students to whom the school provides special assistance.

## 6 Insertion of new pt 2AA

After section 14—

*insert—*

### **Part 2AA Temporary site criteria**

#### **14AA Prescribed temporary site criteria—Act, s 60C**

The purpose of this part is to prescribe temporary site criteria relevant for the provision of special assistance at a temporary site by a special assistance school as mentioned in section 60C of the Act.

#### **14AB Additional requirement for written standard of service**

A special assistance school's written standard of service required under section 9AA(2) must deal with the regular monitoring of attendance by the school's relevant students at a temporary site.

#### **14AC Application of pt 2, div 4**

Part 2, division 4 applies to a special assistance school in relation to each temporary site at which the school provides special assistance.

#### **14AD Limitation of period of special assistance at temporary site**

- (1) For section 60C(2) of the Act, a special assistance school can not provide special

[s 6]

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assistance at a temporary site after the expiry of the special assistance period for the site.

- (2) However, if the school's governing body makes a site inclusion application for the temporary site before the end of the special assistance period for the site, the school may continue to provide special assistance at the site until the day mentioned in subsection (3), (4), (5) or (6).
- (3) If the governing body withdraws the site inclusion application before the application is decided, for subsection (2) the day is the later of—
  - (a) the day the governing body withdraws the application; or
  - (b) the day the special assistance period for the temporary site ends.
- (4) If the board decides to refuse, or is taken to have decided to refuse, to grant the school's site inclusion application and the governing body applies for review of the decision (the **original decision**) under section 101 of the Act, for subsection (2) the day is the earlier of—
  - (a) the day the Minister notifies the governing body the Minister has made a review decision mentioned in section 103(6)(b) of the Act in relation to the original decision; or
  - (b) the day the governing body withdraws the application for review.
- (5) If the board decides to refuse, or is taken to have decided to refuse, to grant the school's site inclusion application and subsection (4) does not apply, for subsection (2) the day is the later of—
  - (a) the day the application period for the original decision ends; or

- 
- (b) the day the special assistance period for the temporary site ends.
- (6) If neither subsection (3), (4) nor (5) applies, for subsection (2) the day is the change day for the application stated in a change notice about the site attribute given to the governing body under section 52 of the Act.
- (7) In this section—
- application period*, for an original decision, means the period within which an application for review of the decision must be made under section 102 of the Act.
- school day* means any day on which a school is operating as a school.
- site attribute*, for a special assistance school, means the attribute of the school's provisional accreditation or accreditation mentioned in section 16(3)(j) of the Act.
- site inclusion application*, for a temporary site, means an application under section 49 or 59 of the Act to change the site attribute for the school to include the temporary site.
- special assistance period*, for a temporary site, means the period ending 140 consecutive school days after the day special assistance is first provided by the special assistance school at the site.

### **14AE Pt 2 not limited**

Nothing in this part limits part 2.

## **7 Replacement of s 16 (Minimum enrolment—Act, s 85(3)(c) and (4)(c))**

Section 16—

[s 7]

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*omit, insert—*

**16 Minimum enrolment—Act, s 85(3)(c) and (4)(c)**

- (1) This section prescribes, for section 85(3)(c) and (4)(c) of the Act, the minimum enrolment for each site for a school.
- (2) The minimum enrolment for each site for a school, other than an accredited special assistance site for a special assistance school, is—
  - (a) if the school proposes to offer, or offers, primary education at the site—a full-time equivalent enrolment of 25; or
  - (b) if the school proposes to offer, or offers, secondary education at the site—
    - (i) for the years 7 to 10 sector of schooling—a full-time equivalent enrolment of 20 for each year of schooling proposed to be offered, or offered, at the site; and
    - (ii) for the years 11 and 12 sector of schooling—a full-time equivalent enrolment of 10 for each year of schooling proposed to be offered, or offered, at the site; or
  - (c) if the school proposes to offer, or offers, special education at the site—a full-time equivalent enrolment of 10.
- (3) The minimum enrolment for each accredited special assistance site for a special assistance school is—
  - (a) if the school proposes to offer, or offers, special assistance comprising primary education at the site—a full-time equivalent enrolment of 10; or

- (b) if the school proposes to offer, or offers, special assistance comprising secondary education at the site—a full-time equivalent enrolment of 15.
- (4) In this section—  
*site*, for a school, see section 85(5) of the Act.

## **Part 3**

# **Amendment of Education (General Provisions) Regulation 2006**

### **8 Regulation amended**

This part amends the *Education (General Provisions) Regulation 2006*.

### **9 Omission of s 9D (Protection from liability)**

Section 9D—

*omit*.

### **10 Amendment of s 45 (Audit of Association's accounts)**

Section 45(1), '*Financial Administration and Audit Regulation 1995*, section 3'—

*omit, insert—*

*Auditor-General Regulation 2009*, section 4

### **11 Replacement of s 72 (Fee—Act, s 28(2)(c))**

Section 72—

*omit, insert—*

[s 12]

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## **72 Mature age State schools—Act, sch 4**

For schedule 4 of the Act, definition *mature age State school*, the following State schools are prescribed—

- (a) Aldridge State High School;
- (b) Burnside State High School;
- (c) Coorparoo Secondary College;
- (d) Deception Bay State High School;
- (e) Eagleby Learning Centre—Centre for Continuing Secondary Education (also known as ‘Eagleby Learning College’);
- (f) Heatley Secondary College;
- (g) Ipswich State High School;
- (h) Kingston College (also known as ‘Kingston State College’);
- (i) Toowoomba State High School;
- (j) Woodridge State High School.

## **72A Fee—Act, s 155B(1)(b)**

- (1) For section 155B(1)(b) of the Act, the fee mentioned in schedule 6 is prescribed.
- (2) However, the chief executive may waive, entirely or partly, payment of the fee if the chief executive is satisfied payment of the fee would cause financial hardship to the person liable to pay it.

## **12 Replacement of sch 6 (Fee for mature age student notice)**

Schedule 6—

*omit, insert—*

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**Schedule 6      Mature age student  
                                 enrolment fee**

section 72A

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1    Application fee for the enrolment of a person as a mature age student of a mature age State school (Act, s 155B(1)(b)) .....	26.00

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ENDNOTES

- 1    Made by the Governor in Council on 11 December 2014.
- 2    Notified on the Queensland legislation website on 12 December 2014.
- 3    The administering agency is the Department of Education, Training and Employment.

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Authorised by the Parliamentary Counsel