



Queensland

Education Legislation (COVID-19 Emergency Response) Regulation 2020

Subordinate Legislation 2020 No. 104

made under the

COVID-19 Emergency Response Act 2020

Education (Accreditation of Non-State Schools) Act 2017

Education (General Provisions) Act 2006

Education (Overseas Students) Act 2018

Education (Queensland College of Teachers) Act 2005

*Education (Queensland Curriculum and Assessment Authority) Act
2014*

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Education Legislation (COVID-19 Emergency Response) Regulation 2020*.

2 Commencement

The following provisions are taken to have commenced on 31 March 2020—

- (a) sections 3 and 4;
- (b) part 2, divisions 1 and 3, other than sections 10 and 11.

3 Definitions

In this regulation—

authorise, for part 2, see section 5.

eligible period, for part 2, see section 6.

4 Declaration

This regulation is made under the *COVID-19 Emergency Response Act 2020*, sections 8 and 13.

Part 2 Modification of Acts and regulations

Division 1 Interpretation

5 Definitions for part

In this part—

authorise includes require.

[s 6]

eligible period see section 6.

6 Meaning of *eligible period*

- (1) Each of the following is an *eligible period*—
- (a) a period within which an entity is authorised to do a thing, including, for example, any of the things mentioned in the *COVID-19 Emergency Response Act 2020*, section 12(1)(a);
 - (b) a period at the end of which a thing expires, including, for example—
 - (i) a document; or
 - (ii) an identity card; or
 - (iii) an exemption; or
 - (iv) a term of office.
- (2) A reference in subsection (1)(a) to a period within which an entity is authorised to do a thing includes a reference to any expression of time provided for under a provision for doing the thing.
- Examples of an expression of time in a provision—*
- a provision requiring a person to do a thing immediately
 - a provision requiring a person to do a thing promptly
- (3) A reference in this section to doing a thing includes a reference to omitting to do a thing.
- (4) In this section—
- expires* includes—
- (a) stops having legal operation or effect; and
 - (b) stops being valid.

Division 2 Modification of Education (Accreditation of Non-State Schools) Act 2017 and Education (Accreditation of Non-State Schools) Regulation 2017

7 Application of division

- (1) This division applies for modifying particular provisions of the *Education (Accreditation of Non-State Schools) Act 2017* and the *Education (Accreditation of Non-State Schools) Regulation 2017*.
- (2) A reference in this division to the Act is a reference to the *Education (Accreditation of Non-State Schools) Act 2017*.
- (3) A reference in this division to the regulation is a reference to the *Education (Accreditation of Non-State Schools) Regulation 2017*.

8 Extension of particular periods provided for by Act and regulation

- (1) This section applies in relation to a provision of the Act or the regulation if—
 - (a) the provision provides for an eligible period; and
 - (b) the Act or the regulation does not expressly authorise an entity to modify the eligible period.

Examples of provisions in relation to which this section applies—

- sections 30(1) and 39(5) of the Act
 - section 24(7) of the regulation, definition *special assistance period*
- (2) The board may extend the eligible period for a period ending on or before 31 December 2020, if satisfied the extension is necessary for a purpose of the *COVID-19 Emergency Response Act 2020*.
 - (3) The board's power to extend the eligible period may be exercised—

[s 9]

- (a) if the extension applies generally or to a particular class of persons or matters—by notice published on the board’s website; or
 - (b) if the extension applies to a particular person—by giving the person notice of the extension and the reasons for the extension.
- (4) If the extension applies to a particular person, the power to extend the eligible period may be exercised on the board’s own initiative or on the application of the person.
- (5) In this section—
board see schedule 1 of the Act.

Division 3 Modification of Education (General Provisions) Act 2006 and Education (General Provisions) Regulation 2017

9 Application of division

- (1) This division provides for modifying particular provisions of the *Education (General Provisions) Act 2006* and the *Education (General Provisions) Regulation 2017*.
- (2) A reference in this division to the Act is a reference to the *Education (General Provisions) Act 2006*.
- (3) A reference in this division to the regulation is a reference to the *Education (General Provisions) Regulation 2017*.

10 Modification of particular provisions of regulation about attendance at meetings

- (1) This section applies in relation to a provision of the regulation if the provision requires or permits—
 - (a) a person to physically attend a meeting for a particular purpose or particular matter; or

- (b) an entity to call or hold a meeting for a particular purpose or particular matter.

Examples of provisions of the regulation in relation to which this section applies—

sections 35 and 36

- (2) A person who is required or permitted to attend the meeting may do so by using communication technology.

Examples of communication technology—

telephone, video conference

11 Extension of particular periods provided for by Act and regulation—general

- (1) This section applies in relation to a provision of the Act or the regulation, other than an excluded provision, if—

- (a) the provision provides for an eligible period; and
(b) the Act or the regulation does not expressly authorise an entity to modify the eligible period.

Examples of provisions in relation to which this section applies—

- sections 90(1), 109(7)(a)(i), 159(2), 370(2) and 374(2) of the Act
- sections 45(1) and 54(3) of the regulation

- (2) The chief executive may extend the eligible period for a period ending on or before 31 December 2020, if satisfied the extension is necessary for a purpose of the *COVID-19 Emergency Response Act 2020*.

- (3) The chief executive's power to extend the eligible period may be exercised—

- (a) if the extension applies generally or to a particular class of persons or matters—by notice published on the department's website; or
(b) if the extension applies to a particular person—by giving the person notice of the extension and the reasons for the extension.

[s 12]

- (4) If the extension applies to a particular person, the power to extend the eligible period may be exercised on the chief executive's own initiative or on the application of the person.
- (5) In this section—
excluded provision means—
 - (a) section 135(2) or a provision of chapter 9, part 5 of the Act; or
 - (b) section 44(1) of the regulation.

12 Extension of particular periods—Act, s 135 and regulation, s 44

- (1) The chief executive may extend, for a period ending on or before 31 December 2020, the period within which—
 - (a) an association must give the chief executive a copy of its audited accounts for a financial year under section 135(2) of the Act; or
 - (b) the annual general meeting of an association must be held under section 44(1) of the regulation.
- (2) However, the chief executive may extend the period only if satisfied the extension is necessary for a purpose of the *COVID-19 Emergency Response Act 2020*.
- (3) The chief executive's power to extend the period may be exercised—
 - (a) if the extension applies in relation to associations generally—by notice published on the department's website; or
 - (b) if the extension applies to a particular association—by giving the association notice of the extension and the reasons for the extension.
- (4) If the extension applies to a particular association, the power to extend the period may be exercised on the chief executive's own initiative or on the application of the association.

Division 4 **Modification of Education (Queensland College of Teachers) Act 2005**

13 **Modification of requirement to attend before investigator—Act, s 181**

(1) The *Education (Queensland College of Teachers) Act 2005*, section 181 applies as if section 181(b) were omitted and the following provisions were inserted—

- (b) to attend before the investigator to answer questions by—
 - (i) attending in person at a stated reasonable time and place; or
 - (ii) attending by audio link or audio visual link at a stated reasonable time; or
- (c) to produce a stated thing to the investigator by—
 - (i) attending before the investigator at a stated reasonable time and place to produce the thing in person; or
 - (ii) producing the thing at or before a stated reasonable time in another stated way that does not involve physical attendance before the investigator.

Examples of a way a thing may be produced for subparagraph (ii)—

by post, by email

(2) In this section—

audio link see the *Evidence Act 1977*, section 39C.

audio visual link see the *Evidence Act 1977*, schedule 3.

[s 14]

Part 3 Expiry of regulation

14 Expiry

This regulation expires on 31 December 2020.

Part 4 Amendment of regulations

Division 1 Amendment of Education (Overseas Students) Regulation 2018

15 Regulation amended

This division amends the *Education (Overseas Students) Regulation 2018*.

16 Insertion of new ss 4–6

After section 3—

insert—

4 Waiver of fees

- (1) The chief executive may, under this section, waive all or part of a fee payable by a person under the Act.
- (2) The fee or part may be waived—
 - (a) before the fee would otherwise be payable; or
 - (b) after the fee has been paid.
- (3) However, the chief executive may waive all or part of the fee only if satisfied the person is experiencing, or has experienced, financial hardship because of—

- (a) a declared public health emergency under the *Public Health Act 2005*; or
 - (b) a natural disaster.
- (4) The chief executive's power to waive the fee or part may be exercised—
- (a) if the waiver applies generally or to a particular class of persons or matters—by notice published on the department's website; or
 - (b) if the waiver applies to a particular person—by giving the person notice of the waiver.
- (5) A notice published or given under subsection (4) must state the amount of the fee being waived.
- (6) If the waiver applies to a particular person, the power to waive the fee or part may be exercised on the chief executive's own initiative or on the application of the person.

5 Appropriation from consolidated fund not authorised

To remove any doubt, it is declared that section 4 does not purport to authorise the payment of an amount from the consolidated fund.

6 Transitional provision for Education Legislation (COVID-19 Emergency Response) Regulation 2020

Section 4 applies only in relation to a fee payable on or after the commencement.

[s 17]

Division 2 Amendment of Education (Queensland Curriculum and Assessment Authority) Regulation 2014

17 Regulation amended

This division amends the *Education (Queensland Curriculum and Assessment Authority) Regulation 2014*.

18 Insertion of new s 164A

After section 164—

insert—

164A Application of part

Nothing in a provision of this part limits the application of another provision of this part.

19 Insertion of new s 171A

After section 171—

insert—

171A Waiver of fees

- (1) The authority may, under this section, waive all or part of a fee payable by a person under the Act.
- (2) The fee or part may be waived—
 - (a) before the fee would otherwise be payable; or
 - (b) after the fee has been paid.
- (3) However, the authority may waive all or part of the fee only if satisfied the person is experiencing, or has experienced, financial hardship because of—

-
- (a) a declared public health emergency under the *Public Health Act 2005*; or
 - (b) a natural disaster.
- (4) The authority's power to waive the fee or part may be exercised—
- (a) if the waiver applies generally or to a particular class of persons or matters—by notice published on the authority's website; or
 - (b) if the waiver applies to a particular person—by giving the person notice of the waiver.
- (5) A notice published or given under subsection (4) must state the amount of the fee being waived.
- (6) If the waiver applies to a particular person, the power to waive the fee or part may be exercised on the authority's own initiative or on the application of the person.

20 Insertion of new pt 14, div 3

Part 14—

insert—

Division 3 Transitional provision for Education Legislation (COVID-19 Emergency Response) Regulation 2020

199 Application of s 171A

Section 171A applies only to a fee payable on or after the commencement.

ENDNOTES

- 1 Made by the Governor in Council on 25 June 2020.
- 2 Notified on the Queensland legislation website on 26 June 2020.
- 3 The administering agency is the Department of Education.

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