



Queensland

Education and Other Legislation Amendment Bill 2014



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Contents

		Page
Part 1	Preliminary	
1	Short title	12
2	Commencement	12
Part 2	Amendment of Education (Accreditation of Non-State Schools) Act 2001	
Division 1	Preliminary	
3	Act amended	12
Division 2	Amendments commencing on assent	
4	Amendment of s 6 (Meaning of non-State school)	13
5	Insertion of new s 7AA	13
	7AA Meaning of director.	13
6	Amendment of s 39 (Suitability of governing body)	14
7	Amendment of s 113 (Disqualification from membership)	14
8	Insertion of new ss 114A–114C	14
	114A Minister's power to obtain criminal history	15
	114B Criminal history is confidential	15
	114C Changes in criminal history must be disclosed	16
9	Amendment of s 167 (Notification of change in circumstances)	17
10	Amendment of s 169 (Disclosure of details of any indictable offence)	17
11	Amendment of sch 3 (Dictionary)	18
Division 3	Amendments commencing on proclamation	
12	Insertion of new s 13A	19
	13A Special assistance	19
13	Amendment of s 16 (Procedural requirements for application)	20
14	Insertion of new ch 2, pt 2, div 3, sdiv 3	21

Contents

	Subdivision 3	Assessment of special assistance school using temporary site	
	38D	Application of sdiv 3	21
	38E	Assessment of school	21
	38F	Report by assessor	21
15		Insertion of new ch 2, pt 3A	21
	Part 3A	Special assistance schools—use of temporary sites	
	60A	Purpose of pt 3A.	22
	60B	Definitions for pt 3A	22
	60C	Compliance with temporary site criteria	23
	60D	Notification of intention to use, or stop using, temporary site 24	
	60E	Use of temporary site is not a change in attribute etc.	24
16		Amendment of s 63 (Grounds for cancellation)	25
17		Amendment of s 70 (Grounds for cancellation)	26
18		Amendment of s 85 (Recommendation by committee about application) 26	
19		Amendment of s 141 (Functions of assessor)	27
20		Amendment of s 150 (Purpose of div 4).	27
21		Insertion of new ch 8, pt 5	28
	Part 5	Transitional provisions for Education and Other Legislation Amendment Act 2014	
	253	Existing assessment as special assistance school and eligibility for Government funding	28
	254	Existing application for assessment as special assistance school.	28
	255	Transitional regulation-making power.	29
22		Amendment of sch 3 (Dictionary).	30
	Part 3	Amendment of Education and Care Services Act 2013	
23		Act amended	31
24		Replacement of s 127 (Failure to report serious incident or complaint) 31	
	127	Failure to report serious incident, temporary closure incident, complaint or other prescribed matter	31
25		Amendment of s 241 (Protecting prescribed persons from liability)	32
	Part 4	Amendment of Education (Capital Assistance) Act 1993	
26		Act amended	33
27		Amendment of s 14 (Certain projects must not be funded)	33

Part 5	Amendment of Education (General Provisions) Act 2006	
Division 1	Preliminary	
28	Act amended	34
Division 2	Amendments commencing on assent	
29	Replacement of s 46 (Investigation of complaint)	34
	46 Investigation of complaint	34
30	Amendment of s 53 (When fee for distance education is not payable)	35
31	Amendment of s 62 (Principal must consider initial remaining allocation for certain students)	35
32	Amendment of s 66 (Principal must consider and decide application for extra semesters)	35
33	Omission of ch 4, pt 4 (Submissions against principal's decision)	36
34	Amendment of s 72 (Chief executive must consider and decide application for further semesters)	36
35	Amendment of s 117 (Protection from liability)	36
36	Amendment of s 141 (Protection from liability)	37
37	Amendment of s 154 (Dealing with submissions against removal)	37
38	Amendment of s 165 (Meaning of person with a disability)	37
39	Amendment of s 179 (Limits on proceedings against a parent)	38
40	Replacement of s 206 (Who is eligible for provisional registration or registration)	38
	206 Who is eligible for provisional registration or registration	38
41	Amendment of s 242 (Limits on proceedings against a parent)	38
42	Omission of s 251E (Delegation by chief executive)	39
43	Amendment of s 280 (Definitions for pt 3)	39
44	Insertion of new ch 12, pt 3, div 1A	39
	Division 1A Information about student charges and convictions	
	280A Application of div 1A	39
	280B Chief executive may give information to police commissioner	40
	280C Chief executive may ask police commissioner about student charge or conviction	40
	280D Requirement for police commissioner to give information about student charge or conviction	41
	280E Use of information about student charge or conviction	41
	280F Destruction of information about student charge or conviction	41
45	Amendment of s 302 (Final decision about exclusion)	42

Contents

46	Amendment of s 309 (Exclusion)	42
47	Amendment of s 364 (Definitions for pt 10)	42
48	Amendment of s 366B (Delegation of director’s reporting function under s 366 or 366A)	42
49	Replacement of s 389 (Protection from liability)	42
	389 Protection from liability	43
50	Amendment of ch 15, pt 4, hdg (External review of decision under section 69, 72, 154, 302(3) or 309(3))	43
51	Amendment of s 401 (Definition for pt 4)	43
52	Amendment of s 407 (Other evidentiary aids)	43
53	Omission of ch 18 (International educational institutions)	44
54	Replacement of ch 19, pt 2, hdg (General)	44
55	Amendment of s 420 (Special education)	44
56	Insertion of new s 420A	45
	420A Minister must approve policies	45
57	Insertion of new ch 19, pt 3, hdg	46
58	Amendment of s 426 (Confidentiality)	46
59	Amendment of s 431 (Delegation by Minister)	48
60	Amendment of s 432 (Delegation by chief executive)	48
61	Insertion of new ch 20, pt 8	49
	Part 8 Transitional provisions for Education and Other Legislation Amendment Act 2014	
	Division 1 Preliminary	
	527 Definitions for pt 8.	49
	Division 2 Initial remaining allocation and extra semesters	
	528 Decision about initial remaining allocation or extra semesters 49	
	Division 3 International educational institutions	
	529 Cancellation of approval to operate international educational institution	50
62	Amendment of sch 4 (Dictionary)	51
Division 3	Amendments commencing on proclamation	
63	Amendment of s 11 (Meaning of basic allocation, remaining allocation etc.)	52
64	Omission of ch 2, pt 5 (Provisions relating to mature age students)	52
65	Amendment of s 48 (Definitions for ch 3)	52

66	Amendment of s 52 (Fee for distance education provided by a State school)	53
67	Amendment of s 53 (When fee for distance education is not payable)	53
68	Amendment of s 155 (Application)	54
69	Insertion of new ss 155A and 155B	54
	155A Eligibility to apply for enrolment—adults.	54
	155B Additional requirements for application for enrolment as mature age student	55
70	Amendment of s 156 (Enrolment)	56
71	Insertion of new ch 8A	56
	Chapter 8A Criminal histories of mature age students	
	Part 1 Preliminary	
	175A Definitions for ch 8A	57
	175B Application of ch 8A	57
	Part 2 Information may be given to police commissioner	
	175C Mature age State school's principal may give information to police commissioner.	58
	Part 3 Requests for criminal histories	
	175D Mature age State school's principal must make request about prospective mature age student	58
	175E Mature age State school's principal may make request about mature age student	59
	175F Request for other information about criminal history	59
	Part 4 Criminal histories	
	175G Requirement for police commissioner to give information about criminal history	60
	175H Use of criminal history	60
	175I Destruction of criminal history	60
	Part 5 General provisions	
	175J Notice of change in criminal history	61
	175K Disclosure of change in criminal history.	61
	175L False or misleading information or documents.	62
72	Amendment of s 180 (Notice to principal of non-State school)	63
73	Replacement of s 184 (Definition for pt 3)	63
	184 Definitions for pt 3.	63
74	Replacement of ch 9, pt 3, div 2, hdg (Bases for granting an exemption)	64

Contents

75	Amendment of s 185 (Child can not or should not be required to attend) 64	
76	Insertion of new s 185A	65
	185A Non-State school's principal may grant exemption from requirement to attend school	65
77	Replacement of s 186 (Application for exemption)	65
	186 Application for exemption	66
78	Amendment of s 187 (Lapsing of application)	66
79	Amendment of s 188 (Temporary exemption until application is decided) 66	
80	Amendment of s 189 (Decision)	67
81	Amendment of s 190 (Contents of exemption)	67
82	Amendment of s 191 (Imposition of conditions)	68
83	Amendment of s 192 (Lesser period of exemption than that applied for) 68	
84	Amendment of s 193 (Grounds for cancellation)	69
85	Amendment of s 194 (Show cause notice)	69
86	Amendment of s 195 (Representations about show cause notice)	69
87	Amendment of s 196 (Ending show cause process without further action)	69
88	Amendment of s 197 (Cancellation)	69
89	Insertion of new ch 9, pt 3, div 5	70
	Division 5 Miscellaneous	
	197A Record of decisions about exemptions—non-State schools 70	
90	Amendment of s 201 (Child's illness)	70
91	Replacement of ch 10, pt 5, div 1, hdg (Bases for granting an exemption)	70
92	Replacement of s 243 (Explanation)	71
	243 Definition for pt 5	71
93	Insertion of new ch 10, pt 5, div 1A, hdg	71
94	Amendment of s 244 (Participation is impossible or should not be required)	71
95	Insertion of new s 244A	72
	244A Non-State school's principal may grant exemption . . .	72
96	Renumbering of ch 10, pt 5, divs 1A and 2	73
97	Replacement of s 245 (Application for exemption)	73
	245 Application for exemption	73

98	Amendment of s 246 (Lapsing of application)	74
99	Amendment of s 247 (Temporary exemption until application is decided) 74	
100	Amendment of s 248 (Decision)	75
101	Amendment of s 249 (Contents of exemption)	75
102	Amendment of s 250 (Imposition of conditions)	76
103	Amendment of s 251 (Lesser period of exemption than that applied for) 76	
104	Insertion of new ch 10, pt 5, div 4.	76
	Division 4 Miscellaneous	
	251AA Record of decisions about exemptions—non-State schools 77	
	251AB Notice to non-State school's principal	77
	251AC Protection from liability	77
105	Amendment of s 337 (Direction about conduct or movement) . . .	78
106	Amendment of s 338 (Review of direction under s 337).	78
107	Amendment of s 339 (Direction to leave and not re-enter).	79
108	Amendment of s 340 (Prohibition from entering premises)	79
109	Insertion of new s 340A	80
	340A Chief executive may prohibit person from entering premises 80	
110	Replacement of s 341 (Prohibition from entering premises)	81
	341 Prohibition from entering premises.	81
111	Amendment of s 343 (Definitions for pt 7)	82
112	Insertion of new s 343A	82
	343A Meaning of review body	82
113	Omission of s 345 (Review body).	83
114	Amendment of s 347 (Review of direction under s 346).	83
115	Amendment of s 348 (Direction to leave and not re-enter).	83
116	Amendment of s 349 (Prohibition from entering premises)	84
117	Insertion of new ss 349A and 349B	85
	349A Non-State school's governing body or nominee may prohibit person from entering premises.	85
	349B Review of written direction	86
118	Replacement of s 350 (Prohibition from entering premises)	87
	350 Prohibition from entering premises.	87
119	Amendment of s 356 (Notification of application or direction) . . .	88

Contents

120	Amendment of s 357 (Noncompliance with QCAT order)	88
121	Amendment of s 358 (Annual report of department to include report on various matters)	88
122	Amendment of s 359 (Non-State school's governing body to give particular information to Minister)	89
123	Amendment of ch 15, pt 3, hdg (External reviews of directions under section 340 or 349)	89
124	Replacement of s 397 (Who may apply for external review of direction given)	89
	397 Who may apply for external review	90
125	Amendment of s 407 (Other evidentiary aids)	90
126	Insertion of new s 429B	91
	429B Anti-Discrimination Act 1991	91
127	Insertion of new ch 20, pt 8, divs 4–6.	92
	Division 4 Mature age students	
	530 Application for mature age student notice	92
	531 Positive notices	92
	532 Negative notices	93
	533 Application for enrolment at mature age State school	93
	534 Time limit on application for enrolment by person with negative notice	93
	535 Criminal history of mature age students	94
	Division 5 Directions and prohibition orders	
	536 Reviews of particular existing directions	95
	537 Existing applications for orders prohibiting persons from entering particular premises	96
	538 Annual report of department to include report on particular orders made during 2014–15 financial year	96
	539 Non-State school's governing body to give particular information to Minister for 2014–15 financial year	97
	Division 6 Other matters	
	540 Chief executive may cancel enrolment for particular students	97
	541 Distance education fees for 2014 and 2015 school years not payable by particular persons	97
128	Amendment of sch 4 (Dictionary)	98
Part 6	Amendment of Education (Queensland College of Teachers) Act 2005	
129	Act amended	99

130	Insertion of new s 25D	99
	25D Definition for div 1	99
131	Amendment of s 29 (Requirements for renewal—full registration)	100
132	Amendment of s 31 (Requirements for renewal—permission to teach) 100	
133	Amendment of s 32 (How college may decide application for renewal) 101	
134	Amendment of s 246 (Disqualification from membership)	101
135	Amendment of s 247 (Report about person's criminal history) . .	101
136	Amendment of s 249 (Requirement for board members to disclose changes in criminal history)	101
137	Amendment of sch 3 (Dictionary)	102
Part 7	Amendment of Further Education and Training Act 2014	
138	Act amended	102
139	Amendment of s 194 (Protection from liability)	102
Part 8	Minor and consequential amendments	
140	Acts amended in sch 1	103
Schedule 1	Minor and consequential amendments	104
	Drugs Misuse Act 1986	104
	Education (Accreditation of Non-State Schools) Act 2001	104
	Education (Work Experience) Act 1996	104
	Public Interest Disclosure Act 2010	105
	Public Sector Ethics Act 1994	105

2014

A Bill

for

An Act to amend the *Education (Accreditation of Non-State Schools) Act 2001*, the *Education and Care Services Act 2013*, the *Education (Capital Assistance) Act 1993*, the *Education (General Provisions) Act 2006*, the *Education (Queensland College of Teachers) Act 2005* and the *Further Education and Training Act 2014* for particular purposes, and to make minor and consequential amendments of the Acts as stated in schedule 1 for purposes related to those particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Education and Other Legislation
Amendment Act 2014*. 4
5

Clause 2 Commencement 6

The following provisions commence on a day to be fixed by
proclamation— 7
8

- part 2, division 3 9
- part 4 10
- part 5, division 3. 11

**Part 2 Amendment of Education
(Accreditation of Non-State
Schools) Act 2001** 12
13
14

Division 1 Preliminary 15

Clause 3 Act amended 16

This part amends the *Education (Accreditation of Non-State
Schools) Act 2001*. 17
18

Note— 19

See also the amendment in schedule 1. 20

Division 2	Amendments commencing on assent	1 2
Clause 4	Amendment of s 6 (Meaning of <i>non-State school</i>)	3
	(1) Section 6(2)(aa)—	4
	<i>omit.</i>	5
	(2) Section 6(2)—	6
	<i>insert—</i>	7
	(g) a place used only to offer a curriculum that is, or is a variation of, the whole or part of the primary or secondary curriculum of a foreign country.	8 9 10 11
Clause 5	Insertion of new s 7AA	12
	After section 7—	13
	<i>insert—</i>	14
	7AA Meaning of <i>director</i>	15
	A <i>director</i> , of a school’s governing body, is—	16
	(a) if the governing body is a company under the Corporations Act—a person appointed as a director of the governing body; or	17 18 19
	(b) if the governing body is a RECI Act corporation—	20 21
	(i) a declared director of the governing body; and	22 23
	(ii) if all declared directors of the governing body, for the time being, nominate a person as a director of the governing body—the person; or	24 25 26 27
	<i>Note—</i>	28

[s 6]

	The governing body must give the board a notice under section 167(4) within 14 days after a nomination.	1 2 3
	(c) otherwise—a person who is, or is a member of, the executive or management entity, by whatever name called, of the governing body.	4 5 6 7
Clause 6	Amendment of s 39 (Suitability of governing body)	8
	Section 39(6)—	9
	<i>insert—</i>	10
	<i>convicted</i> , of an offence, means being found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction is recorded.	11 12 13 14
	<i>indictable offence</i> includes an indictable offence dealt with summarily.	15 16
Clause 7	Amendment of s 113 (Disqualification from membership)	17
	(1) Section 113(1), after ‘indictable offence’—	18
	<i>insert—</i>	19
	, and the conviction is not a spent conviction	20
	(2) Section 113—	21
	<i>insert—</i>	22
	(3) In this section—	23
	<i>convicted</i> , of an indictable offence, does not include being found guilty of the offence, on a plea of guilty or otherwise, without a conviction being recorded for the offence.	24 25 26 27
Clause 8	Insertion of new ss 114A–114C	28
	After section 114—	29

insert—

114A Minister's power to obtain criminal history

- (1) The Minister may ask the commissioner of the police service for—
- (a) a written report about the criminal history of a member or prospective member (a *relevant person*); and
 - (b) a brief description of the circumstances of a conviction mentioned in the report.
- (2) However, the Minister may make the request only if the relevant person has given the Minister written consent for the request.
- (3) The commissioner of the police service must comply with the request.
- (4) However, subsection (3) applies only in relation to information in the commissioner's possession or to which the commissioner has access.
- (5) The Minister must ensure that a report about a relevant person is destroyed as soon as practicable after it is no longer needed for the purpose for which it was obtained.

114B Criminal history is confidential

- (1) A person must not, directly or indirectly, disclose a report, or information contained in a report, given under section 114A, to anyone else unless the disclosure is permitted under subsection (2).
- Maximum penalty—100 penalty units.
- (2) The person may make the disclosure to someone else—
- (a) to the extent necessary to perform the person's functions under this Act; or

[s 8]

- (b) for the purpose of the other person performing a function under this Act; or 1
2
- (c) if the disclosure is authorised under an Act; or 3
4
- (d) if the disclosure is otherwise required or permitted by law; or 5
6
- (e) if the person to whom the information relates consents to the disclosure. 7
8

114C Changes in criminal history must be disclosed 9
10

- (1) If there is a change in the criminal history of a member, the member must immediately give notice of the change to the Minister, unless the member has a reasonable excuse. 11
12
13
14
Maximum penalty—100 penalty units. 15
- (2) The notice must include the following information— 16
17
 - (a) the existence of the conviction; 18
 - (b) when the offence was committed; 19
 - (c) details adequate to identify the offence; 20
 - (d) the sentence imposed on the person. 21
- (3) If a member does not have a criminal history, there is taken to be a change in the member's criminal history if the member acquires one. 22
23
24
- (4) In this section— 25
criminal history, of a member, means the member's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, to the extent the criminal history relates to indictable offences, other than spent convictions. 26
27
28
29
30
31

Clause 9	Amendment of s 167 (Notification of change in circumstances)	1
		2
	(1) Section 167(2), ‘notify the board’—	3
	<i>omit, insert—</i>	4
	give the board notice	5
	(2) Section 167—	6
	<i>insert—</i>	7
	(4) If the governing body is a RECI Act corporation,	8
	the governing body must, within 14 days after a	9
	person is validly nominated as a director of the	10
	governing body under section 7AA(b)(ii), give	11
	the board a notice, signed by each declared	12
	director for the time being of the governing body,	13
	stating—	14
	(a) the name of the nominated person; and	15
	(b) the date of the nomination.	16
	Maximum penalty—20 penalty units.	17
Clause 10	Amendment of s 169 (Disclosure of details of any indictable offence)	18
		19
	Section 169—	20
	<i>insert—</i>	21
	(8) In this section—	22
	<i>convicted</i> , of an indictable offence, means being	23
	found guilty of the offence, on a plea of guilty or	24
	otherwise, whether or not a conviction is	25
	recorded.	26
	<i>indictable offence</i> includes an indictable offence	27
	dealt with summarily.	28

[s 11]

Clause 11	Amendment of sch 3 (Dictionary)	1
(1)	Schedule 3, definitions <i>convicted</i> , <i>criminal history</i> , <i>director</i> and <i>indictable offence</i> —	2
	<i>omit.</i>	3
		4
(2)	Schedule 3—	5
	<i>insert</i> —	6
	<i>criminal history</i> , of a person, means the person’s criminal history within the meaning of the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , other than spent convictions.	7
		8
		9
		10
	<i>declared director</i> , of a school’s governing body that is a RECI Act corporation, means—	11
		12
	(a) a person named in the letters patent for the governing body; or	13
		14
	(b) a successor of a person mentioned in paragraph (a).	15
		16
	<i>director</i> , of a school’s governing body, see section 7AA.	17
		18
	<i>letters patent</i> , for a school’s governing body that is a RECI Act corporation, means the letters patent issued under the repealed <i>Religious Educational and Charitable Institutions Act 1861</i> establishing the governing body as a body corporate under that Act.	19
		20
		21
		22
		23
		24
	<i>Note</i> —	25
	Letters patent under the repealed <i>Religious Educational and Charitable Institutions Act 1861</i> are continued in force under the <i>Associations Incorporation Act 1981</i> , section 144.	26
		27
		28
		29
	RECI Act corporation means a corporation that is incorporated under the repealed <i>Religious Educational and Charitable Institutions Act 1861</i> .	30
		31
		32
		33
	spent conviction means a conviction—	34

-
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.
- (3) Schedule 3, definition *person with a disability*, ‘schedule 4’—
omit, insert—
section 420(5)

Division 3 **Amendments commencing on proclamation**

- Clause 12** **Insertion of new s 13A**
- After section 13—
insert—
- 13A Special assistance**
- (1) This section applies to a school that is provisionally accredited, or accredited, to provide primary or secondary education.
- (2) The school may be provisionally accredited, or accredited, to provide special assistance.
- (3) The provision of *special assistance* is the provision of the type of education mentioned in subsection (1)—
- (a) to relevant students; and
- (b) without tuition fees.
- (4) In this section—
compulsory participation phase see the *Education (General Provisions) Act 2006*, section 231.

[s 13]

<i>compulsory school age</i> see the <i>Education (General Provisions) Act 2006</i> , section 9.	1 2
<i>eligible option</i> see the <i>Education (General Provisions) Act 2006</i> , section 232.	3 4
<i>full-time</i> , in relation to participation in an eligible option, see the <i>Education (General Provisions) Act 2006</i> , schedule 4.	5 6 7
<i>relevant students</i> means students who—	8
(a) would not otherwise be—	9
(i) enrolled at and attending school while of compulsory school age; or	10 11
(ii) participating in an eligible option full-time, or in paid employment for at least 25 hours each week, during the compulsory participation phase; and	12 13 14 15
(b) are not provisionally registered, or registered, for home education under the <i>Education (General Provisions) Act 2006</i> , chapter 9, part 5.	16 17 18 19
<i>school</i> , for the purposes of the definition <i>relevant students</i> , includes a State school.	20 21

Clause 13	Amendment of s 16 (Procedural requirements for application)	22 23
(1)	Section 16(3)—	24
	<i>insert—</i>	25
	(j) if the school is to provide special assistance—the sites at which special assistance is to be provided.	26 27 28
	<i>Note—</i>	29
	Also, a special assistance school may temporarily provide special assistance at other sites—see part 3A.	30 31 32

-
- (2) Section 16— 1
insert— 2
(3A) A site must not be an attribute for the purposes of 3
subsection (3)(j) if the school is to provide 4
education other than special assistance at the site. 5

Clause 14	Insertion of new ch 2, pt 2, div 3, sdiv 3	6
	Chapter 2, part 2, division 3—	7
	<i>insert—</i>	8
	Subdivision 3 Assessment of special assistance school using temporary site	9 10 11
	38D Application of sdiv 3	12
	This subdivision applies to a special assistance school that is providing special assistance at a temporary site.	13 14
	38E Assessment of school	15
	The board may assess the special assistance school to decide whether it is complying with the temporary site criteria.	16 17 18
	38F Report by assessor	19
	(1) To assess the special assistance school under section 38E, the board must obtain a written report from an assessor about whether the school is complying with the temporary site criteria.	20 21 22 23
	(2) To prepare the report, the assessor may exercise the assessor's powers under chapter 5, part 3.	24 25
Clause 15	Insertion of new ch 2, pt 3A	26
	Chapter 2—	27

[s 15]

insert—

Part 3A **Special assistance** 1
 schools—use of 2
 temporary sites 3
 4

60A Purpose of pt 3A 5

- (1) The purpose of this part is to enable a special 6
assistance school to provide, on a temporary 7
basis, special assistance at a temporary site. 8
- (2) However, special assistance may be provided at a 9
temporary site only in accordance with the 10
attributes of provisional accreditation, or the 11
attributes of accreditation, mentioned in section 12
16(3)(a), (c) to (f), (h) and (i) for the school’s 13
accredited special assistance sites. 14

60B Definitions for pt 3A 15

In this part— 16

accredited special assistance site, for a special 17
assistance school, means a site mentioned in 18
section 16(3)(j) at which the school provides 19
special assistance. 20

public place means a place, or part of a place— 21

- (a) the public is entitled to use, whether or not 22
on payment of money; or 23
- (b) the occupier of which allows, whether or not 24
on payment of money, members of the 25
public to enter, other than— 26
- (i) a school; or 27
- (ii) a State educational institution within 28
the meaning of the *Education (General* 29
Provisions) Act 2006, schedule 4. 30

-
- site* does not include— 1
- (a) a vehicle; or 2
 - (b) a public place; or 3
 - (c) a place where a person resides. 4
- temporary site*, in relation to a special assistance school, means a site other than— 5
- (a) an accredited special assistance site for the school; or 7
8
 - (b) a site mentioned in section 16(3)(b) for the school. 9
10
- temporary site criteria* see section 60C. 11
- vehicle* means— 12
- (a) a motor vehicle, train or aircraft; or 13
 - (b) a ship, boat or any other kind of vessel; or 14
 - (c) anything else used or to be used to carry people or goods from place to place. 15
16

60C Compliance with temporary site criteria 17

- (1) A special assistance school that provides special assistance at a temporary site must comply with the criteria prescribed by regulation for temporary sites (the *temporary site criteria*). 18
19
20
21

Note— 22

Noncompliance with any of the temporary site criteria is a ground for cancellation of provisional accreditation or accreditation—see sections 63 and 70. 23
24
25

- (2) Without limiting subsection (1), a regulation may limit the period for which a special assistance school may provide special assistance at a temporary site. 26
27
28
29

[s 15]

60D Notification of intention to use, or stop using, temporary site	1 2
(1) Before the governing body of a special assistance school starts providing special assistance at a temporary site for the first time, the governing body must give the board—	3 4 5 6
(a) notice, in the approved form, of the governing body’s intention to start providing special assistance at the temporary site; and	7 8 9
(b) evidence the school is entitled to occupy the site; and	10 11
(c) a declaration by the governing body that—	12
(i) the school needs to provide special assistance at the site for stated reasons; and	13 14 15
(ii) the school will comply with the temporary site criteria while special assistance is provided at the site.	16 17 18
(2) If the governing body stops providing special assistance at a temporary site, the governing body must give the board notice, in the approved form, that the body has stopped providing special assistance at the temporary site.	19 20 21 22 23
(3) The board must give the governing body a notice acknowledging receipt of the things mentioned in subsection (1)(a) to (c) or (2).	24 25 26
60E Use of temporary site is not a change in attribute etc.	27 28
(1) This section applies if a special assistance school—	29 30
(a) provides special assistance at a temporary site; and	31 32

	(b) complies with this part, including the temporary site criteria, in relation to providing special assistance at the site.	1 2 3
(2)	The provision of the special assistance at the temporary site by the school does not, of itself—	4 5
	(a) require the governing body to apply for provisional accreditation, or accreditation, of the school in relation to the temporary site; or	6 7 8 9
	(b) constitute a change in an attribute of provisional accreditation, or an attribute of accreditation, applying to the school; or	10 11 12
	(c) constitute a change relating to an aspect of the school's operation affecting the governing body's eligibility for Government funding.	13 14 15 16
Clause 16	Amendment of s 63 (Grounds for cancellation)	17
	Section 63(1)—	18
	<i>insert—</i>	19
	(i) if the school is a special assistance school, any of the following applies—	20 21
	(i) the school's governing body has not complied with section 60D(1) or (2);	22 23
	(ii) the declaration given by the school's governing body under 60D(1)(c) included a materially false or misleading representation;	24 25 26 27
	(iii) the school is not complying, or has not complied, with the temporary site criteria.	28 29 30

[s 17]

Clause 17	Amendment of s 70 (Grounds for cancellation)	1
	Section 70(1)—	2
	<i>insert—</i>	3
	(f) if the school is a special assistance school, any of the following applies—	4 5
	(i) the school’s governing body has not complied with section 60D(1) or (2);	6 7
	(ii) the declaration given by the school’s governing body under 60D(1)(c) included a materially false or misleading representation;	8 9 10 11
	(iii) the school is not complying, or has not complied, with the temporary site criteria.	12 13 14
Clause 18	Amendment of s 85 (Recommendation by committee about application)	15 16
	(1) Section 85(3)(c)—	17
	<i>omit, insert—</i>	18
	(c) whether the anticipated enrolment of students, other than overseas students, at the school in relation to each site is more than the minimum enrolment for the site;	19 20 21 22
	(2) Section 85(4)(c)—	23
	<i>omit, insert—</i>	24
	(c) whether the enrolment of students, other than overseas students, at the school in relation to each site is more than the minimum enrolment for the site;	25 26 27 28
	(3) Section 85(5)—	29
	<i>insert—</i>	30

	<i>minimum enrolment</i> , for a site for a school, means the minimum enrolment prescribed by regulation—	1 2 3
	(a) if the site is not an accredited special assistance site—for a site at which the relevant type of education is offered or proposed to be offered; or	4 5 6 7
	(b) if the site is an accredited special assistance site—for a site at which special assistance comprising the relevant type of education is provided.	8 9 10 11
	<i>relevant type of education</i> , in relation to a site for a school, means the type of education the school offers, or proposes to offer, at the site.	12 13 14
	<i>site</i> , for a school, means both of the following—	15
	(a) a site mentioned in section 16(3)(b) for the school;	16 17
	(b) for a special assistance school—an accredited special assistance site for the school.	18 19 20
Clause 19	Amendment of s 141 (Functions of assessor)	21
	Section 141—	22
	<i>insert—</i>	23
	(i) whether a special assistance school providing special assistance at a temporary site is complying with the temporary site criteria.	24 25 26 27
Clause 20	Amendment of s 150 (Purpose of div 4)	28
	Section 150, after ‘38C,’—	29
	<i>insert—</i>	30
	38F,	31

[s 21]

Clause 21	Insertion of new ch 8, pt 5	1
	Chapter 8—	2
	<i>insert—</i>	3
	Part 5	4
	Transitional provisions	5
	for Education and	6
	Other Legislation	7
	Amendment Act 2014	7
	253 Existing assessment as special assistance	8
	school and eligibility for Government funding	9
	(1) This section applies to a school if, immediately	10
	before the commencement, an assessment that	11
	the school was a special assistance school was in	12
	effect under a policy made under the <i>Education</i>	13
	<i>(General Provisions) Act 2006</i> , section 369.	14
	(2) On the commencement, the school is taken to be	15
	provisionally accredited, or accredited, to provide	16
	special assistance at the site for which the school	17
	was provisionally accredited, or accredited, to	18
	operate immediately before the commencement.	19
	(3) The operation of subsection (2) does not, of	20
	itself—	21
	(a) constitute a change in an attribute of	22
	provisional accreditation, or an attribute of	23
	accreditation, applying to the school; or	24
	(b) constitute a change relating to an aspect of	25
	the school's operation affecting the	26
	governing body's eligibility for Government	27
	funding.	28
	254 Existing application for assessment as special	29
	assistance school	30
	(1) This section applies if—	31

-
- (a) before the commencement, the governing body of a school had applied to be assessed as a special assistance school under a policy made under the *Education (General Provisions) Act 2006*, section 369; and
- (b) immediately before the commencement, the application had not been decided.
- (2) The Minister must continue to decide the application under the policy as if the *Education and Other Legislation Amendment Act 2014* had not been enacted.
- (3) If the Minister grants the application, the school is taken to be provisionally accredited, or accredited, to provide special assistance at the site from which the school operated immediately before the commencement.
- (4) The operation of subsection (3) does not, of itself—
- (a) constitute a change in an attribute of provisional accreditation, or an attribute of accreditation, applying to the school; or
- (b) constitute a change relating to an aspect of the school's operation affecting the governing body's eligibility for Government funding.

255 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature for which it is necessary to make provision to allow or facilitate the change from the operation of this Act as in force immediately before the commencement to the operation of this Act as in force on the commencement.

[s 22]

- | | | |
|-----|---|-------------|
| (2) | A transitional regulation may have retrospective operation to a day not earlier than the day of the commencement. | 1
2
3 |
| (3) | A transitional regulation must declare it is a transitional regulation. | 4
5 |
| (4) | This section and any transitional regulation expire 1 year after the day of the commencement. | 6
7 |

Clause 22	Amendment of sch 3 (Dictionary)	8
	Schedule 3—	9
	<i>insert—</i>	10
	<i>accredited special assistance site</i> , for a special assistance school, see section 60B.	11 12
	<i>premises</i> , of a special assistance school, includes a temporary site at which the school provides special assistance under chapter 2, part 3A.	13 14 15
	<i>public place</i> , for chapter 2, part 3A, see section 60B.	16 17
	<i>site</i> , for chapter 2, part 3A, see section 60B.	18
	<i>special assistance</i> see section 13A.	19
	<i>special assistance school</i> means a school that is provisionally accredited, or accredited, to provide special assistance.	20 21 22
	<i>temporary site</i> see section 60B.	23
	<i>temporary site criteria</i> see section 60C.	24
	<i>vehicle</i> , for chapter 2, part 3A, see section 60B.	25

Part 3	Amendment of Education and Care Services Act 2013	1 2
Clause 23	Act amended	3
	This part amends the <i>Education and Care Services Act 2013</i> .	4
Clause 24	Replacement of s 127 (Failure to report serious incident or complaint)	5 6
	Section 127—	7
	<i>omit, insert—</i>	8
	127 Failure to report serious incident, temporary closure incident, complaint or other prescribed matter	9 10 11
	(1) This section applies if an approved provider becomes aware of any of the following in relation to a QEC approved service operated by the provider—	12 13 14 15
	(a) a serious incident at the service;	16
	(b) a temporary closure incident at the service;	17
	(c) a complaint alleging that—	18
	(i) a child’s safety, health or wellbeing has been or is being compromised while the child was or is being provided with education and care at the service; or	19 20 21 22
	(ii) a provision of this Act has been, or is being, contravened;	23 24
	(d) any other matter prescribed by regulation.	25
	(2) The approved provider must give the chief executive notice of the incident, complaint or other matter—	26 27 28

[s 25]

	(a) for an incident or complaint—within 24 hours after becoming aware of the incident or complaint; or	1 2 3
	(b) for another matter—within 7 days after becoming aware of the matter.	4 5
	Maximum penalty—20 penalty units.	6
(3)	In this section—	7
	<i>serious incident</i> means an incident that is—	8
	(a) prescribed by regulation; or	9
	(b) a type of incident that is prescribed by regulation.	10 11
	<i>temporary closure incident</i> , at a QEC approved service, means an incident that requires the approved provider operating the service to do either of the following for a period—	12 13 14 15
	(a) close the service;	16
	(b) reduce the number of children attending the service.	17 18
	<i>Example—</i>	19
	A flood or fire that requires the provider to close all or part of a QEC service premises at which the service operates while repairs are undertaken.	20 21 22
Clause 25	Amendment of s 241 (Protecting prescribed persons from liability)	23 24
	Section 241(3)—	25
	<i>omit, insert—</i>	26
	(3) This section does not apply to a prescribed person if the person is a State employee within the meaning of the <i>Public Service Act 2008</i> , section 26B(4).	27 28 29 30
	<i>Note—</i>	31

	For protection from civil liability in relation to State employees—see the <i>Public Service Act 2008</i> , section 26C.	1 2 3
(4)	In this section—	4
	<i>prescribed person</i> means—	5
(a)	an authorised person for a QEC approved service within the meaning of section 130; or	6 7
	or	8
(b)	an authorised person for a relevant service within the meaning of section 221; or	9 10
(c)	a person acting under the direction of any of the following—	11 12
(i)	the chief executive;	13
(ii)	a public service officer or employee;	14
(iii)	a person mentioned in paragraph (a) or (b).	15 16
Part 4	Amendment of Education (Capital Assistance) Act 1993	17 18
Clause 26	Act amended	19
	This part amends the <i>Education (Capital Assistance) Act 1993</i> .	20 21
Clause 27	Amendment of s 14 (Certain projects must not be funded)	22
	Section 14(1)—	23
	<i>insert—</i>	24
(c)	a capital project related to a temporary site at which special assistance is provided, or proposed to be provided, by an eligible	25 26 27

[s 28]

non-State school under the *Education
(Accreditation of Non-State Schools) Act
2001*, chapter 2, part 3A. 1
2
3

Part 5 **Amendment of Education** 4
(General Provisions) Act 2006 5

Division 1 **Preliminary** 6

Clause 28 **Act amended** 7
This part amends the *Education (General Provisions) Act
2006*. 8
9

Division 2 **Amendments commencing on** 10
assent 11

Clause 29 **Replacement of s 46 (Investigation of complaint)** 12
Section 46— 13
omit, insert— 14
46 Investigation of complaint 15
(1) This section applies if— 16
(a) a person makes a complaint about the 17
administration, management or operation of 18
a State educational institution; and 19
(b) in the chief executive's opinion, the 20
complaint is not frivolous or vexatious. 21
(2) The chief executive must— 22
(a) investigate the complaint; or 23

	(b) cause the complaint to be investigated by an appropriately qualified officer of the department.	1 2 3
	<i>Note—</i>	4
	Under section 432, the chief executive may delegate the chief executive's functions under this section to an appropriately qualified officer of the department.	5 6 7
Clause 30	Amendment of s 53 (When fee for distance education is not payable)	8 9
	Section 53(1)—	10
	<i>insert—</i>	11
	(ca) the person is suspended from a State school under chapter 12, part 3, division 2 on a charge-related ground; or	12 13 14
Clause 31	Amendment of s 62 (Principal must consider initial remaining allocation for certain students)	15 16
	Section 62(4) and (5)—	17
	<i>omit, insert—</i>	18
	(4) After making the decision, the principal must—	19
	(a) immediately advise the student of the decision; and	20 21
	(b) within 7 days after advising the student of the decision, give the student an information notice about the decision.	22 23 24
Clause 32	Amendment of s 66 (Principal must consider and decide application for extra semesters)	25 26
	Section 66(3) and (4)—	27
	<i>omit, insert—</i>	28
	(3) After making the decision, the principal must—	29

[s 33]

	(a) immediately advise the student of the decision; and	1 2
	(b) within 7 days after advising the student of the decision, give the student an information notice about the decision.	3 4 5
Clause 33	Omission of ch 4, pt 4 (Submissions against principal's decision)	6 7
	Chapter 4, part 4—	8
	<i>omit.</i>	9
Clause 34	Amendment of s 72 (Chief executive must consider and decide application for further semesters)	10 11
	Section 72(3)—	12
	<i>insert—</i>	13
	<i>Note—</i>	14
	See chapter 15, part 4 for review of the decision by QCAT.	15 16
Clause 35	Amendment of s 117 (Protection from liability)	17
	Section 117—	18
	<i>insert—</i>	19
	(3) This section does not apply to a member of a school council if the member is a State employee within the meaning of the <i>Public Service Act 2008</i> , section 26B(4).	20 21 22 23
	<i>Note—</i>	24
	For protection from civil liability in relation to State employees—see the <i>Public Service Act 2008</i> , section 26C.	25 26 27

Clause 36	Amendment of s 141 (Protection from liability)	1
	Section 141—	2
	<i>insert—</i>	3
	(3) This section does not apply to a member of an association if the member is a State employee within the meaning of the <i>Public Service Act 2008</i> , section 26B(4).	4 5 6 7
	<i>Note—</i>	8
	For protection from civil liability in relation to State employees—see the <i>Public Service Act 2008</i> , section 26C.	9 10 11
Clause 37	Amendment of s 154 (Dealing with submissions against removal)	12 13
	Section 154(3)—	14
	<i>insert—</i>	15
	<i>Note—</i>	16
	See chapter 15, part 4 for review of the decision by QCAT.	17 18
Clause 38	Amendment of s 165 (Meaning of <i>person with a disability</i>)	19
	(1) Section 165, heading—	20
	<i>omit, insert—</i>	21
	165 Definition for div 3	22
	(2) Section 165(1), ‘A’—	23
	<i>omit, insert—</i>	24
	For this division, a	25
	(3) Section 165(1), ‘in accordance with’—	26
	<i>omit, insert—</i>	27
	under	28

[s 39]

Clause 39	Amendment of s 179 (Limits on proceedings against a parent)	1 2
	(1) Section 179(1)(a), ‘only’—	3
	<i>omit.</i>	4
	(2) Section 179(1)—	5
	<i>insert—</i>	6
	<i>Note—</i>	7
	Under section 432, the chief executive may delegate the chief executive’s functions under this section to an appropriately qualified officer of the department.	8 9 10
Clause 40	Replacement of s 206 (Who is eligible for provisional registration or registration)	11 12
	Section 206—	13
	<i>omit, insert—</i>	14
	206 Who is eligible for provisional registration or registration	15 16
	A child is eligible for provisional registration, or registration, for home education if the child—	17 18
	(a) will be of at least the compulsory school age on 31 December in the year the provisional registration or registration takes effect; or	19 20 21
	(b) is in the compulsory participation phase.	22
Clause 41	Amendment of s 242 (Limits on proceedings against a parent)	23 24
	(1) Section 242(1)(a), ‘only’—	25
	<i>omit.</i>	26
	(2) Section 242(1)—	27
	<i>insert—</i>	28
	<i>Note—</i>	29

	Under section 432, the chief executive may delegate the chief executive's functions under this section to an appropriately qualified officer of the department.	1 2 3
Clause 42	Omission of s 251E (Delegation by chief executive)	4
	Section 251E—	5
	<i>omit.</i>	6
Clause 43	Amendment of s 280 (Definitions for pt 3)	7
	(1) Section 280, definition <i>charge</i> —	8
	<i>omit.</i>	9
	(2) Section 280—	10
	<i>insert</i> —	11
	<i>police commissioner</i> means the commissioner of the police service.	12 13
Clause 44	Insertion of new ch 12, pt 3, div 1A	14
	Chapter 12, part 3—	15
	<i>insert</i> —	16
	Division 1A Information about student charges and convictions	17 18
	280A Application of div 1A	19
	(1) This division applies to a person despite the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , section 5 to the extent it relates to charges.	20 21 22
	(2) This division does not apply to a mature age student of a mature age State school.	23 24

[s 44]

280B Chief executive may give information to police commissioner	1 2
(1) The chief executive may, for this division, give the police commissioner—	3 4
(a) information about whether a person is a student of a State school; and	5 6
(b) the name of the person and other identifying information about the person, including the person’s date and place of birth and any alias.	7 8 9 10
(2) Information given to the police commissioner under subsection (1) must only be used for this division.	11 12 13
280C Chief executive may ask police commissioner about student charge or conviction	14 15 16
(1) This section applies if—	17
(a) the chief executive reasonably suspects that a student enrolled at a State school has been charged with, or convicted of, an offence; and	18 19 20 21
(b) the school’s principal or the chief executive requires confirmation of the charge or conviction for the exercise of a function under this part.	22 23 24 25
(2) The chief executive may ask the police commissioner whether the student has been charged with, or convicted of, the offence and, if so, for information about the charge or conviction, including a brief description of the circumstances of the charge or conviction.	26 27 28 29 30 31

280D Requirement for police commissioner to give information about student charge or conviction	1 2 3
(1) The police commissioner must comply with a request made under section 280C.	4 5
(2) However, subsection (1) applies only in relation to information in the police commissioner's possession or to which the commissioner has access.	6 7 8 9
(3) To remove any doubt, it is declared that, despite the <i>Youth Justice Act 1992</i> , part 9, the police commissioner may disclose information to which that part applies to the chief executive when complying with a request made by the chief executive under section 280C.	10 11 12 13 14 15
280E Use of information about student charge or conviction	16 17
(1) The chief executive must not use information obtained from the police commissioner under this division other than for this part.	18 19 20
(2) A State school's principal must not use information obtained by the chief executive from the police commissioner under this division other than for division 2 or 3.	21 22 23 24
280F Destruction of information about student charge or conviction	25 26
The chief executive must ensure that information obtained from the police commissioner under this division is destroyed as soon as practicable after it is no longer needed for the purpose for which it may be used under section 280E.	27 28 29 30 31

[s 45]

Clause 45	Amendment of s 302 (Final decision about exclusion)	1
	Section 302(3)—	2
	<i>insert</i> —	3
	<i>Note</i> —	4
	See chapter 15, part 4 for review of the decision by QCAT.	5 6
Clause 46	Amendment of s 309 (Exclusion)	7
	Section 309(3)—	8
	<i>insert</i> —	9
	<i>Note</i> —	10
	See chapter 15, part 4 for review of the decision by QCAT.	11 12
Clause 47	Amendment of s 364 (Definitions for pt 10)	13
	Section 364, definition <i>director</i> —	14
	<i>omit, insert</i> —	15
	<i>director</i> , of a non-State school’s governing body, means a director of the governing body within the meaning of the <i>Education (Accreditation of Non-State Schools) Act 2001</i> , section 7AA.	16 17 18 19
Clause 48	Amendment of s 366B (Delegation of director’s reporting function under s 366 or 366A)	20 21
	Section 366B(7), definition <i>appropriately qualified</i> —	22
	<i>omit</i> .	23
Clause 49	Replacement of s 389 (Protection from liability)	24
	Section 389—	25
	<i>omit, insert</i> —	26

389 Protection from liability

- (1) A non-State school’s principal is not civilly liable for an act done, or omission made, honestly and without negligence under this chapter.

Note—

For protection from civil liability in relation to a State school’s principal—see the *Public Service Act 2008*, section 26C.

- (2) If subsection (1) prevents a civil liability attaching to a non-State school’s principal, the liability attaches instead to the school’s governing body.

Clause 50 Amendment of ch 15, pt 4, hdg (External review of decision under section 69, 72, 154, 302(3) or 309(3))

Chapter 15, part 4, heading, ‘69,’—

omit.

Clause 51 Amendment of s 401 (Definition for pt 4)

- (1) Section 401, definition *aggrieved person*, paragraph (a)—

omit.

- (2) Section 401, definition *aggrieved person*, paragraph (b), after ‘section 72’—

insert—

, other than a student to whom section 72(3)(b)(i) applies

- (3) Section 401, definition *aggrieved person*, paragraphs (b) to (d)—

renumber as paragraphs (a) to (c).

Clause 52 Amendment of s 407 (Other evidentiary aids)

Section 407(1)—

[s 53]

insert— 1

(h) on a stated day, an institution was— 2

(i) a State educational institution; or 3

(ii) a State instructional institution; or 4

(iii) a State school. 5

Clause 53 Omission of ch 18 (International educational institutions) 6

Chapter 18— 7

omit. 8

Clause 54 Replacement of ch 19, pt 2, hdg (General) 9

Chapter 19, part 2, heading— 10

omit, insert— 11

Part 2 Provision of special 12

education in particular 13

cases 14

Clause 55 Amendment of s 420 (Special education) 15

(1) Section 420, heading, after ‘education’— 16

insert— 17

for people enrolled at non-State school or below 18

compulsory school age 19

(2) Section 420— 20

insert— 21

(5) In this section— 22

person with a disability means a person who is 23

decided, under a policy mentioned in section 24

420A(1), to be a person with a disability. 25

Clause 56	Insertion of new s 420A	1
	After section 420—	2
	<i>insert—</i>	3
	420A Minister must approve policies	4
	(1) The Minister must approve a policy about the criteria to be considered in deciding whether a person is a person with a disability because the person is unlikely to attain the levels of development of which the person is capable unless the person receives special education.	5 6 7 8 9 10
	(2) The Minister may approve more than 1 policy under subsection (1) providing for criteria to be considered in deciding whether a person is a person with a disability for the purposes of section 420(1) or (2).	11 12 13 14 15
	(3) The chief executive must keep a copy of a policy approved under subsection (1) available for inspection and permit a person—	16 17 18
	(a) to inspect the policy without fee; and	19
	(b) to take extracts from the policy without fee.	20
	(4) For subsection (3)—	21
	(a) a copy of the policy—	22
	(i) must be kept at the head office of the department; and	23 24
	(ii) may be kept at any other place the chief executive considers appropriate; and	25 26
	(b) the copy kept under paragraph (a) must be available for inspection during office hours on business days for the office or place.	27 28 29
	(5) Also, the chief executive must supply a copy of a policy approved under subsection (1), or a part of the policy, to a person on request, without fee.	30 31 32

[s 57]

- (6) In addition, the chief executive must keep a copy of a policy approved under subsection (1) on the department's website. 1
2
3

Editor's note— 4

The department's website is at 5
<www.education.qld.gov.au>. 6

- Clause 57 Insertion of new ch 19, pt 3, hdg** 7
Before section 421— 8
insert— 9
Part 3 General 10

- Clause 58 Amendment of s 426 (Confidentiality)** 11
(1) Section 426(1)(b)— 12
insert— 13
(iv) a child— 14
(A) who is or has been provisionally 15
registered, or registered, for home 16
education under chapter 9, part 5; 17
or 18
(B) for whom an application for 19
provisional registration, or 20
registration, has been made under 21
chapter 9, part 5. 22
(2) Section 426(4)(d), 'by'— 23
omit, insert— 24
under subsection (4A) or 25
(3) Section 426(4)(e)— 26
insert— 27

-
- | | |
|---|----|
| (iii) necessary for research, or the | 1 |
| compilation or analysis of statistics, | 2 |
| if— | 3 |
| (A) the research, compilation or | 4 |
| analysis is in the public interest; | 5 |
| and | 6 |
| (B) the recording, use or disclosure | 7 |
| does not involve the publication of | 8 |
| all or any of the information in a | 9 |
| form that identifies a person to | 10 |
| whom the information relates; and | 11 |
| (C) it is not practicable to obtain the | 12 |
| express or implied agreement of | 13 |
| each person to whom the | 14 |
| information relates before the | 15 |
| information is recorded, used or | 16 |
| disclosed; and | 17 |
| (D) for a disclosure—the chief | 18 |
| executive is reasonably satisfied | 19 |
| the person to whom the | 20 |
| information is disclosed will not | 21 |
| disclose the information to anyone | 22 |
| else. | 23 |
| (4) Section 426— | 24 |
| <i>insert—</i> | 25 |
| (4A) The chief executive may disclose the information | 26 |
| to a law enforcement agency if the chief | 27 |
| executive is reasonably satisfied the disclosure is | 28 |
| necessary for the prevention, detection, | 29 |
| investigation, prosecution or punishment of a | 30 |
| criminal offence or a breach of a law imposing a | 31 |
| penalty or sanction. | 32 |
| (5) Section 426(5)— | 33 |
| <i>insert—</i> | 34 |

[s 59]

	<i>law enforcement agency</i> see the <i>Information Privacy Act 2009</i> , schedule 5, definition <i>law enforcement agency</i> , paragraph (a).	1 2 3
(6)	Section 426(5), definition <i>employee</i> , paragraph (c), ‘at the school’— <i>omit, insert</i> — for the school at any place	4 5 6 7
Clause 59	Amendment of s 431 (Delegation by Minister) Section 431(2), definition <i>appropriately qualified</i> — <i>omit.</i>	8 9 10
Clause 60	Amendment of s 432 (Delegation by chief executive) Section 432(2)— <i>omit, insert</i> — (2) Also, the chief executive may delegate the relevant chapter 10 functions to— (a) an appropriately qualified employee, other than an officer, employed in the department; or (b) an appropriately qualified employee employed in the department in which the <i>Further Education and Training Act 2014</i> is administered. (3) A delegation under subsection (1) or (2) of a relevant chapter 10 function may permit the subdelegation of the function to an appropriately qualified employee of— (a) the department; or (b) the department in which the <i>Further Education and Training Act 2014</i> is administered.	11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

	(4)	In this section—	1
		<i>function</i> includes power.	2
		<i>relevant chapter 10 functions</i> means the chief executive's functions under chapter 10, other than section 242.	3 4 5
Clause 61		Insertion of new ch 20, pt 8	6
		Chapter 20—	7
		<i>insert</i> —	8
		Part 8	9
		Transitional provisions for Education and Other Legislation Amendment Act 2014	10 11 12
		Division 1	13
		Preliminary	
		527 Definitions for pt 8	14
		In this part—	15
		<i>amending Act</i> means the <i>Education and Other Legislation Amendment Act 2014</i> .	16 17
		<i>pre-amended Act</i> means this Act as in force immediately before the commencement.	18 19
		Division 2	20
		Initial remaining allocation and extra semesters	21
		528 Decision about initial remaining allocation or extra semesters	22 23
	(1)	This section applies if—	24

[s 61]

- (a) before the commencement, a State school’s principal made a decision (an *original decision*) about a student under section 61(2) or 66(1); and
- (b) either—
- (i) immediately before the commencement, the principal had not given the student a notice under section 62(4)(b) or 66(3)(b), as the case requires; or
- (ii) the principal gave the student the notice less than 14 days before the commencement.
- (2) The pre-amended Act applies in relation to—
- (a) the original decision; and
- (b) the making of submissions against the original decision to the principal’s supervisor; and
- (c) the affirming, varying or setting aside of the original decision by the supervisor (a *supervisor decision*); and
- (d) any review of a supervisor decision.
- Note—*
- See chapter 15, part 4 of the pre-amended Act for review of a supervisor decision by QCAT.

Division 3 International educational institutions

529 Cancellation of approval to operate international educational institution

- (1) This section applies if, immediately before the commencement, a person had operated an

	international educational institution under the Governor in Council's approval under the repealed chapter.	1 2 3
(2)	On the commencement, the approval is taken to be cancelled.	4 5
(3)	In this section— <i>repealed chapter</i> means chapter 18 as in force before the commencement.	6 7 8
Clause 62	Amendment of sch 4 (Dictionary)	9
(1)	Schedule 4, definitions <i>approved entity</i> , <i>charge</i> (both mentions), <i>charge-related ground</i> , <i>criminal history</i> , <i>international educational institution</i> , <i>international institution approval</i> , <i>overseas curriculum</i> and <i>person with a disability</i> — <i>omit</i> .	10 11 12 13 14
(2)	Schedule 4— <i>insert</i> — <i>charge</i> , for an offence, in relation to a charge made outside Queensland, means any allegation of an offence made in a way that is the same as, or substantially the same as, a charge under the law of Queensland. <i>charge-related ground</i> see section 282(4). <i>criminal history</i> , for chapter 2, part 5, see section 25. <i>person with a disability</i> — (a) for chapter 8, part 1, division 3—see section 165; or (b) otherwise—see section 420(5). <i>police commissioner</i> , for chapter 12, part 3, see section 280.	15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

[s 63]

- | | |
|--|--------|
| (3) Schedule 4, definition <i>information notice</i> , ‘of the chief executive’— | 1
2 |
| <i>omit.</i> | 3 |
| (4) Schedule 4, definitions <i>mature age State school</i> and <i>mature age student</i> , ‘, for chapter 2, part 5,’— | 4
5 |
| <i>omit.</i> | 6 |

Division 3	Amendments commencing on proclamation	7 8
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- | | | |
|------------------|--|----------------|
| Clause 63 | Amendment of s 11 (Meaning of <i>basic allocation</i>, <i>remaining allocation</i> etc.) | 9
10 |
| | Section 11(4)(f)— | 11 |
| | <i>omit, insert</i> — | 12 |
| | (f) a student who is the subject of an exemption from compliance with section 176(1)(a) granted under chapter 9, part 3. | 13
14
15 |

- | | | |
|------------------|--|----------|
| Clause 64 | Omission of ch 2, pt 5 (Provisions relating to mature age students) | 16
17 |
| | Chapter 2, part 5— | 18 |
| | <i>omit.</i> | 19 |

- | | | |
|------------------|--|----------------|
| Clause 65 | Amendment of s 48 (Definitions for ch 3) | 20 |
| | (1) Section 48, definition <i>nearest applicable school</i> — | 21 |
| | <i>omit.</i> | 22 |
| | (2) Section 48— | 23 |
| | <i>insert</i> — | 24 |
| | <i>corresponding law</i> means a law of another State corresponding, or substantially corresponding, to this Act. | 25
26
27 |

	<i>nearest applicable school</i> , for a person, means	1
	the nearest State school, or equivalent of a State	2
	school under a corresponding law, with the	3
	required year level for the person.	4
Clause 66	Amendment of s 52 (Fee for distance education provided by a State school)	5
	(1) Section 52—	6
	<i>insert</i> —	7
	(2A) If the fee payable under subsection (2) for the	8
	person is not paid—	9
	(a) the person is not entitled to be enrolled in, or	10
	undertake, the program of distance	11
	education mentioned in subsection (1); and	12
	(b) the chief executive may cancel the person’s	13
	enrolment.	14
	(2) Section 52(2A) and (3)—	15
	<i>renumber</i> as section 52(3) and (4).	16
Clause 67	Amendment of s 53 (When fee for distance education is not payable)	17
	(1) Section 53(1)(h)—	18
	<i>omit, insert</i> —	19
	(h) the person—	20
	(i) can not be a mature age student of a	21
	mature age State school because the	22
	person has been refused enrolment at	23
	the school; or	24
	(ii) can not reasonably be expected to be a	25
	mature age student of a mature age	26
	State school because the nearest mature	27
	age State school to the person’s	28
		29
		30

[s 68]

	principal place of residence is at least	1
	16km from the residence.	2
(2)	Section 53(1)(ca) to (i)—	3
	<i>renumber</i> as section 53(1)(d) to (j).	4
Clause 68	Amendment of s 155 (Application)	5
	Section 155—	6
	<i>insert</i> —	7
	(4) An application for enrolment as a mature age	8
	student of a mature age State school must also	9
	comply with section 155B.	10
Clause 69	Insertion of new ss 155A and 155B	11
	After section 155—	12
	<i>insert</i> —	13
	155A Eligibility to apply for enrolment—adults	14
	(1) An adult, other than a student visa holder, is only	15
	eligible to apply for enrolment—	16
	(a) at a mature age State school; or	17
	(b) as a student in a program of distance	18
	education.	19
	(2) Despite subsection (1), an adult may apply for	20
	enrolment at a State school if—	21
	(a) the adult has previously been enrolled at a	22
	non-State school or State educational	23
	institution (the <i>previous school or</i>	24
	<i>institution</i>) and on the day of enrolment at	25
	the previous school or institution was a	26
	child; and	27
	(b) the adult's proposed first day of attendance	28
	at the State school is not more than 12	29

months after the day the adult last attended the previous school or institution.	1 2
155B Additional requirements for application for enrolment as mature age student	3 4
(1) An application for the enrolment of a person as a mature age student of a mature age State school must—	5 6 7
(a) include the applicant’s consent for the school’s principal to obtain the applicant’s criminal history under chapter 8A; and	8 9 10
(b) be accompanied by the fee prescribed by regulation.	11 12
(2) The applicant may give the principal notice of the withdrawal of the application at any time before it is decided.	13 14 15
(3) On receiving the application, the principal may ask the applicant, orally or in writing, for further information the principal reasonably needs to establish the applicant’s identity.	16 17 18 19
(4) The applicant is taken to have withdrawn the application if—	20 21
(a) the principal gives the applicant a notice—	22
(i) asking the applicant to provide, within a reasonable stated time, stated information the principal reasonably needs to establish the applicant’s identity; and	23 24 25 26 27
(ii) stating that, if the applicant does not comply with the request, the applicant’s application will be taken to have been withdrawn; and	28 29 30 31
(b) the applicant does not comply with the request within the stated time; and	32 33

[s 70]

	(c) the principal can not establish with certainty the applicant's identity; and	1 2
	(d) the principal gives the applicant a notice stating that the applicant is taken to have withdrawn the application.	3 4 5
Clause 70	Amendment of s 156 (Enrolment)	6
	Section 156—	7
	<i>insert—</i>	8
	(2A) If the prospective student applied for enrolment as a mature age student of a mature age State school, the school's principal must, as part of the principal's consideration of unacceptable risk under subsection (2), consider the following for each conviction or charge of the student for an offence mentioned in the written report about the student's criminal history obtained under chapter 8A—	9 10 11 12 13 14 15 16 17
	(a) whether the offence is a serious offence;	18
	(b) when the offence was committed or is alleged to have been committed;	19 20
	(c) the nature of the offence and its relevance to the prospective student being a mature age student of the school;	21 22 23
	(d) for a conviction—whether a penalty was imposed, and the nature of the penalty.	24 25
Clause 71	Insertion of new ch 8A	26
	Chapter 8A—	27
	<i>insert—</i>	28

Chapter 8A Criminal histories of mature age students	1 2
Part 1 Preliminary	3
175A Definitions for ch 8A	4
In this chapter—	5
<i>criminal history</i> , of a relevant mature age student, means both of the following—	6 7
(a) every conviction of the student for an offence, in Queensland or elsewhere, whether before or after the commencement;	8 9 10
(b) every charge for an offence made against the student, in Queensland or elsewhere, whether before or after the commencement.	11 12 13
<i>police commissioner</i> means the commissioner of the police service.	14 15
<i>relevant mature age student</i> , of a mature age State school, means—	16 17
(a) a person who has applied for enrolment as a mature age student of the school; or	18 19
(b) a mature age student of the school.	20
175B Application of ch 8A	21
This chapter applies to a relevant mature age student despite the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> .	22 23 24

[s 71]

Part 2	Information may be given to police commissioner	1 2 3
175C	Mature age State school’s principal may give information to police commissioner	4 5
(1)	A mature age State school’s principal may, for this chapter, give the police commissioner—	6 7
(a)	information about whether a person is a relevant mature age student of the mature age State school; and	8 9 10
(b)	the name of the person and other identifying information about the person, including the person’s date and place of birth and any alias.	11 12 13 14
(2)	Information given to the police commissioner under subsection (1) must only be used for this chapter.	15 16 17
Part 3	Requests for criminal histories	18 19
	<i>Note—</i>	20
	Section 175H limits the use that can be made of a criminal history report and information contained in the report.	21 22 23
175D	Mature age State school’s principal must make request about prospective mature age student	24 25 26
(1)	This section applies if—	27

-
- (a) a mature age State school's principal receives an application by a person for enrolment as a mature age student of the school; and
- (b) the application has not been withdrawn.
- (2) The principal must, before deciding the application, ask the police commissioner for a written report about the applicant's criminal history.

175E Mature age State school's principal may make request about mature age student

A mature age State school's principal may, at any time while a person is a mature age student of the school, ask the police commissioner for a written report about the student's criminal history.

175F Request for other information about criminal history

If a mature age State school's principal asks the police commissioner for a report about a relevant mature age student's criminal history under section 175D or 175E, the principal may also ask the commissioner for the following information—

- (a) a brief description of the circumstances of a conviction or charge for an offence mentioned in the report;
- (b) information about the outcome of a charge for an offence mentioned in the report.

[s 71]

Part 4	Criminal histories	1
175G Requirement for police commissioner to give information about criminal history		2 3
(1) The police commissioner must comply with a request made under part 3.		4 5
(2) However, subsection (1) applies only in relation to information in the police commissioner's possession or to which the commissioner has access.		6 7 8 9
(3) To remove any doubt, it is declared that, despite the <i>Youth Justice Act 1992</i> , part 9, the police commissioner may disclose information to which that part applies to a person when complying with a request made by the person under part 3.		10 11 12 13 14
175H Use of criminal history		15
(1) A mature age State school's principal must not use information obtained under section 175G other than for the following—		16 17 18
(a) chapter 8, part 1, division 1;		19
(b) this chapter;		20
(c) chapter 12, part 3, division 2 or 3.		21
(2) The chief executive must not use information obtained under section 175G other than for the following—		22 23 24
(a) chapter 8, part 1, division 2;		25
(b) chapter 12, part 3.		26
175I Destruction of criminal history		27
A mature age State school's principal must ensure that information obtained by the principal		28 29

under section 175G is destroyed as soon as 1
practicable after it is no longer needed for the 2
purpose for which it may be used under section 3
175H. 4

Part 5 General provisions 5

175J Notice of change in criminal history 6

- (1) This section applies if the police commissioner 7
reasonably suspects a person who is charged with 8
an offence is a relevant mature age student of a 9
mature age State school. 10
- (2) The police commissioner may give the school's 11
principal notice of the charge. 12
- (3) The notice must state the following— 13
 - (a) the person's name and address; 14
 - (b) the person's date of birth; 15
 - (c) the offence the person is charged with; 16
 - (d) particulars of the alleged offence; 17
 - (e) the date of the charge. 18
- (4) If the principal receives a notice mentioned in 19
subsection (3) about a person and the person is a 20
mature age student of the school, the principal 21
may write to the person to tell the person about 22
the person's obligations under section 175K. 23

175K Disclosure of change in criminal history 24

- (1) If there is a change in the criminal history of a 25
relevant mature age student of a mature age State 26
school, the student must give the school's 27
principal a criminal history change notice before 28

[s 71]

	the student next attends the school or otherwise participates in the school's educational program.	1 2
	Maximum penalty—20 penalty units.	3
(2)	For a relevant mature age student who does not have a criminal history, there is taken to be a change in the student's criminal history if the student acquires a criminal history.	4 5 6 7
(3)	In this section—	8
	<i>criminal history change notice</i> , for a relevant mature age student, means a notice, in the approved form, that includes, for a conviction or charge for an offence in the student's criminal history—	9 10 11 12 13
	(a) the existence of the conviction or charge; and	14 15
	(b) when the offence was committed or alleged to have been committed; and	16 17
	(c) enough details to identify the offence or alleged offence; and	18 19
	(d) for a conviction—whether or not a conviction was recorded, and the sentence imposed on the student.	20 21 22
	175L False or misleading information or documents	23 24
(1)	A relevant mature age student of a mature age State school must not give information to the school's principal under this part that the student knows is false or misleading in a material particular.	25 26 27 28 29
	Maximum penalty—20 penalty units.	30
(2)	A relevant mature age student of a mature age State school must not give a document to the school's principal under this part that contains	31 32 33

	information the student knows is false or misleading in a material particular.	1 2
	Maximum penalty—20 penalty units.	3
(3)	Subsection (2) does not apply to a relevant mature age student if the student, when giving the document to the principal—	4 5 6
	(a) tells the principal, to the best of the student’s ability, how it is false or misleading; and	7 8
	(b) gives the correct information to the principal if the student has, or can reasonably obtain, the correct information.	9 10 11
Clause 72	Amendment of s 180 (Notice to principal of non-State school)	12 13
	Section 180(1), from ‘about’—	14
	<i>omit, insert</i> —	15
	about—	16
	(a) the enrolment or attendance at the school of a child who is of compulsory school age; or	17 18
	(b) decisions made under section 189, including information in the record kept by the school’s governing body under section 197A.	19 20 21 22
Clause 73	Replacement of s 184 (Definition for pt 3)	23
	Section 184—	24
	<i>omit, insert</i> —	25
	184 Definitions for pt 3	26
	In this part—	27
	<i>exemption</i> means—	28
	(a) for an exemption for which the chief executive is the relevant	29 30

[s 74]

	decision-maker—an exemption from	1
	compliance with section 176(1); or	2
	(b) for an exemption for which a non-State	3
	school's principal is the relevant	4
	decision-maker—an exemption from	5
	compliance with section 176(1)(b).	6
	<i>relevant decision-maker</i> see section 186(1).	7
Clause 74	Replacement of ch 9, pt 3, div 2, hdg (Bases for granting an exemption)	8
	Chapter 9, part 3, division 2, heading—	9
	<i>omit, insert—</i>	10
	Division 2 Power to grant exemption	11
Clause 75	Amendment of s 185 (Child can not or should not be required to attend)	12
	(1) Section 185, heading—	13
	<i>omit, insert—</i>	14
	185 Chief executive may grant exemption	15
	(2) Section 185, 'issue'—	16
	<i>omit, insert—</i>	17
	grant	18
	(3) Section 185—	19
	<i>insert—</i>	20
	(2) The chief executive may grant the exemption for	21
	a stated or indefinite period.	22
	(3) Despite subsection (1), the chief executive may	23
	not grant an exemption from compliance with	24
	section 176(1)(b) for a child under this section	25
	if—	26
		27
		28

	(a) the child is enrolled at a non-State school; and	1 2
	(b) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under this section or section 185A for the child to be more than 110 school days in a year.	3 4 5 6 7
Clause 76	Insertion of new s 185A	8
	Chapter 9, part 3, division 2—	9
	<i>insert—</i>	10
	185A Non-State school’s principal may grant exemption from requirement to attend school	11 12
	A non-State school’s principal may grant an exemption from compliance with section 176(1)(b) for a child enrolled at the school if—	13 14 15
	(a) the principal is reasonably satisfied—	16
	(i) the child can not attend the school; or	17
	(ii) it would be unreasonable in all the circumstances to require the child to attend the school; and	18 19 20
	(b) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under section 185 or this section for the child to be more than 110 school days in a year.	21 22 23 24 25
Clause 77	Replacement of s 186 (Application for exemption)	26
	Section 186—	27
	<i>omit, insert—</i>	28

[s 78]

186 Application for exemption

- (1) A parent of a child may apply to the following person (the *relevant decision-maker*) for an exemption for the child—
- (a) for an application for an exemption under section 185—the chief executive;
 - (b) for an application for an exemption under section 185A—the principal of the non-State school at which the child is enrolled.
- (2) The applicant must provide any other relevant information reasonably required by the relevant decision-maker to decide the application.

Clause 78 Amendment of s 187 (Lapsing of application)

- (1) Section 187, ‘chief executive’—
omit, insert—
relevant decision-maker
- (2) Section 187(1), ‘186(3)’—
omit, insert—
186(2)

Clause 79 Amendment of s 188 (Temporary exemption until application is decided)

- (1) Section 188, ‘Section’—
omit, insert—
For an application for an exemption under section 185,
section
- (2) Section 188—
insert—

	(2)	For an application for an exemption under section 185A, section 176(1)(b) does not apply to a parent of the child until—	1 2 3
	(a)	14 days after the non-State school's principal gives notice to the applicant under section 189; or	4 5 6
	(b)	the application lapses.	7
Clause 80	Amendment of s 189 (Decision)		8
	(1)	Section 189(1)—	9
		<i>omit, insert—</i>	10
	(1)	The relevant decision-maker must consider the application and either grant, or refuse to grant, the exemption.	11 12 13
	(2)	Section 189(2) and (3), 'chief executive'—	14
		<i>omit, insert—</i>	15
		relevant decision-maker	16
	(3)	Section 189(2) and (3), 'application'—	17
		<i>omit, insert—</i>	18
		exemption	19
	(4)	Section 189(2), 'issue'—	20
		<i>omit, insert—</i>	21
		grant	22
Clause 81	Amendment of s 190 (Contents of exemption)		23
	(1)	Section 190(1)—	24
		<i>omit, insert—</i>	25
	(1)	This section applies if the relevant decision-maker decides to grant an exemption for a child.	26 27 28

[s 82]

- (2) Section 190(2)(a), ‘issued’— 1
omit, insert— 2
 granted 3
- (3) Section 190(2)— 4
insert— 5
- (e) whether the relevant decision-maker has 6
 granted any other exemptions for the child 7
 in the year in which the exemption is 8
 granted, and, if so, the period of each 9
 exemption. 10

Clause 82 Amendment of s 191 (Imposition of conditions) 11

- (1) Section 191, ‘chief executive’— 12
omit, insert— 13
 relevant decision-maker 14
- (2) Section 191(1), ‘application’— 15
omit, insert— 16
 exemption 17
- (3) Section 191(2), ‘issue’— 18
omit, insert— 19
 grant 20

**Clause 83 Amendment of s 192 (Lesser period of exemption than 21
 that applied for)** 22

- (1) Section 192, ‘chief executive’— 23
omit, insert— 24
 relevant decision-maker 25
- (2) Section 192, ‘issue’— 26
omit, insert— 27

	grant	1
Clause 84	Amendment of s 193 (Grounds for cancellation)	2
	Section 193(a), ‘issue’—	3
	<i>omit, insert</i> —	4
	grant	5
Clause 85	Amendment of s 194 (Show cause notice)	6
	Section 194, ‘chief executive’—	7
	<i>omit, insert</i> —	8
	relevant decision-maker	9
Clause 86	Amendment of s 195 (Representations about show cause notice)	10
	Section 195, ‘chief executive’—	11
	<i>omit, insert</i> —	12
	relevant decision-maker	13
Clause 87	Amendment of s 196 (Ending show cause process without further action)	14
	Section 196, ‘chief executive’—	15
	<i>omit, insert</i> —	16
	relevant decision-maker	17
Clause 88	Amendment of s 197 (Cancellation)	18
	Section 197, ‘chief executive’—	19
	<i>omit, insert</i> —	20
	relevant decision-maker	21

[s 89]

Clause 89	Insertion of new ch 9, pt 3, div 5	1			
	Chapter 9, part 3—	2			
	<i>insert—</i>	3			
	Division 5	Miscellaneous	4		
	197A Record of decisions about exemptions—non-State schools	5			
	(1) The governing body of a non-State school must keep a record of each decision made by the school’s principal under section 189 as required under subsection (2).	7	8	9	10
	Maximum penalty—20 penalty units.	11			
	(2) The record must—	12			
	(a) be kept for at least 5 years from the day the decision was made; and	13	14		
	(b) for a decision to grant an application for an exemption—include the matters mentioned in section 190(2).	15	16	17	
Clause 90	Amendment of s 201 (Child’s illness)	18			
	Section 201(1), note—	19			
	<i>omit, insert—</i>	20			
	<i>Note—</i>	21			
	If a child is prevented by illness from attending school for a longer period, an exemption from compliance with section 176(1) may be granted under part 3.	22	23	24	
Clause 91	Replacement of ch 10, pt 5, div 1, hdg (Bases for granting an exemption)	25	26		
	Chapter 10, part 5, division 1, heading—	27			
	<i>omit, insert—</i>	28			

	Division 1	Preliminary	1
Clause 92	Replacement of s 243 (Explanation)		2
	Section 243—		3
	<i>omit, insert—</i>		4
	243 Definition for pt 5		5
	In this part—		6
	<i>relevant decision-maker</i> see section 245(1).		7
Clause 93	Insertion of new ch 10, pt 5, div 1A, hdg		8
	Chapter 10, part 5, before section 244—		9
	<i>insert—</i>		10
	Division 1A	Power to grant exemption	11
Clause 94	Amendment of s 244 (Participation is impossible or should not be required)		12
	(1) Section 244, heading—		13
	<i>omit, insert—</i>		14
	244 Chief executive may grant exemption		15
	(2) Section 244(1), ‘is satisfied’—		16
	<i>omit, insert—</i>		17
	is reasonably satisfied		18
	(3) Section 244—		19
	<i>insert—</i>		20
	(3) Despite subsection (1) or (2), the chief executive may not grant an exemption for a young person under this section if—		21
	(a) the young person is participating in an eligible option for which a non-State school is the provider; and		22
			23
			24
			25
			26
			27

[s 95]

- (b) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under this section or section 244A for the young person to be more than 110 school days in a year.

Clause 95	Insertion of new s 244A	6
	Chapter 10, part 5, division 1A—	7
	<i>insert—</i>	8
	244A Non-State school’s principal may grant exemption	9 10
	(1) A non-State school’s principal may grant an exemption fully excusing a young person from the requirement that the young person participate in an eligible option if—	11 12 13 14
	(a) the non-State school is the provider for the eligible option; and	15 16
	(b) the principal is reasonably satisfied—	17
	(i) the young person can not participate in the eligible option; or	18 19
	(ii) it would be unreasonable in all the circumstances to require the young person to participate in the eligible option; and	20 21 22 23
	(c) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under section 244 or this section for the young person to be more than 110 school days in a year.	24 25 26 27 28
	(2) A non-State school’s principal may grant an exemption partially excusing a young person from the requirement that the young person participate in an eligible option if—	29 30 31 32

	(a) the non-State school is the provider for the eligible option; and	1 2
	(b) the principal is reasonably satisfied—	3
	(i) the young person can not participate in the eligible option at a full-time level; or	4 5 6
	(ii) it would be unreasonable in all the circumstances to require the young person to participate in the eligible option at a full-time level; and	7 8 9 10
	(c) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under section 244 or this section for the young person to be more than 110 school days in a year.	11 12 13 14 15
Clause 96	Renumbering of ch 10, pt 5, divs 1A and 2	16
	Chapter 10, part 5, divisions 1A and 2—	17
	<i>renumber</i> as chapter 10, part 5, divisions 2 and 3.	18
Clause 97	Replacement of s 245 (Application for exemption)	19
	Section 245—	20
	<i>omit, insert</i> —	21
	245 Application for exemption	22
	(1) A young person, or a parent of a young person, may apply to the following person (the <i>relevant decision-maker</i>) for an exemption from the requirement that the young person participate in an eligible option—	23 24 25 26 27
	(a) for an application for an exemption under section 244—the chief executive;	28 29
	(b) for an application for an exemption under section 244A—the principal of the	30 31

[s 98]

	non-State school that is the provider for the eligible option.	1 2
(2)	The application must—	3
(a)	state the period for which the exemption is sought; and	4 5
(b)	for an application by a young person—include the signed consent of a parent of the young person.	6 7 8
(3)	However, subsection (2)(b) does not apply if the relevant decision-maker is satisfied it would be inappropriate in all the circumstances to require the signed consent of a parent.	9 10 11 12
	<i>Example—</i>	13
	an application by a young person living independently of the young person’s parents	14 15
(4)	The applicant must provide any other relevant information reasonably required by the relevant decision-maker to decide the application.	16 17 18
	<i>Example—</i>	19
	If an exemption is sought because the young person is ill, the information required under this subsection may include stated medical evidence.	20 21 22
Clause 98	Amendment of s 246 (Lapsing of application)	23
	Section 246, ‘chief executive’—	24
	<i>omit, insert—</i>	25
	relevant decision-maker	26
Clause 99	Amendment of s 247 (Temporary exemption until application is decided)	27 28
	Section 247, ‘chief executive’—	29
	<i>omit, insert—</i>	30
	relevant decision-maker	31

Clause 100	Amendment of s 248 (Decision)	1
(1)	Section 248(1)—	2
	<i>omit, insert—</i>	3
	(1) The relevant decision-maker must consider the application and either grant, or refuse to grant, the exemption.	4 5 6
(2)	Section 248(2) and (3), ‘chief executive’—	7
	<i>omit, insert—</i>	8
	relevant decision-maker	9
(3)	Section 248(2) and (3), ‘application’—	10
	<i>omit, insert—</i>	11
	exemption	12
(4)	Section 248(2), ‘issue’—	13
	<i>omit, insert—</i>	14
	grant	15
Clause 101	Amendment of s 249 (Contents of exemption)	16
(1)	Section 249(1)—	17
	<i>omit, insert—</i>	18
	(1) This section applies if the relevant decision-maker decides to grant an exemption from the requirement that a young person participate in an eligible option.	19 20 21 22
(2)	Section 249(2)(e), ‘issued’—	23
	<i>omit, insert—</i>	24
	granted	25
(3)	Section 249(2)—	26
	<i>insert—</i>	27

[s 102]

	(f) whether the relevant decision-maker has granted any other exemptions for the young person in the year in which the exemption is granted, and, if so, the period of each exemption.	1 2 3 4 5
Clause 102	Amendment of s 250 (Imposition of conditions)	6
	(1) Section 250, ‘chief executive’— <i>omit, insert</i> — relevant decision-maker	7 8 9
	(2) Section 250(1), ‘application’— <i>omit, insert</i> — exemption	10 11 12
	(3) Section 250(2), ‘issue’— <i>omit, insert</i> — grant	13 14 15
Clause 103	Amendment of s 251 (Lesser period of exemption than that applied for)	16 17
	(1) Section 251, ‘chief executive’— <i>omit, insert</i> — relevant decision-maker	18 19 20
	(2) Section 251, ‘issue’— <i>omit, insert</i> — grant	21 22 23
Clause 104	Insertion of new ch 10, pt 5, div 4	24
	Chapter 10, part 5— <i>insert</i> —	25 26

Division 4	Miscellaneous	1
251AA Record of decisions about exemptions—non-State schools		2 3
(1) The governing body of a non-State school must keep a record of each decision made by the school’s principal under section 248 as required under subsection (2).		4 5 6 7
Maximum penalty—20 penalty units.		8
(2) The record must—		9
(a) be kept for at least 5 years from the day the decision was made; and		10 11
(b) for a decision to grant an application for an exemption—include the matters mentioned in section 249(2).		12 13 14
251AB Notice to non-State school’s principal		15
The chief executive may, by giving notice to a non-State school’s principal, ask the principal for information about decisions made under section 248, including information in the record kept by the school’s governing body under section 251AA.		16 17 18 19 20 21
251AC Protection from liability		22
(1) This section applies to a non-State school’s principal in complying with a request of the chief executive under section 251AB.		23 24 25
(2) The principal is not civilly liable for an act done, or omission made, honestly and without negligence in complying with the request.		26 27 28

[s 105]

	(3)	If subsection (2) prevents a civil liability attaching to the principal, the liability attaches instead to the non-State school's governing body.	1 2 3
Clause 105		Amendment of s 337 (Direction about conduct or movement)	4 5
	(1)	Section 337(3)(e), 'principal's supervisor'— <i>omit, insert—</i> chief executive	6 7 8
	(2)	Section 337(3)(f) and (g)— <i>omit, insert—</i> (f) how the directed person may apply to have the direction reviewed.	9 10 11 12
Clause 106		Amendment of s 338 (Review of direction under s 337)	13
	(1)	Section 338(2), 'principal's supervisor'— <i>omit, insert—</i> chief executive	14 15 16
	(2)	Section 338(4) to (8)— <i>omit, insert—</i> (4) After considering the grounds, the chief executive must make a decision (the <i>review decision</i>) to— (a) confirm the direction; or (b) cancel the direction.	17 18 19 20 21 22 23
	(5)	The chief executive must— (a) make the review decision within 5 business days after the application is made; and (b) as soon as practicable after the decision is made—	24 25 26 27 28

	(i) tell the person and the institution's principal about the decision; and	1 2
	(ii) give the person written notice of the decision.	3 4
	(6) If the chief executive does not tell the person about the review decision under subsection (5)(b)(i) within 5 business days after the application is made, the review decision is taken to be that the direction is cancelled.	5 6 7 8 9
Clause 107	Amendment of s 339 (Direction to leave and not re-enter)	10
	(1) Section 339(1), 'a written'— <i>omit, insert—</i> an oral	11 12 13
	(2) Section 339(3), 'state'— <i>omit, insert—</i> include	14 15 16
	(3) Section 339(3)(c) and (d)— <i>omit, insert—</i> (c) the time during which the prohibited person may not re-enter the premises.	17 18 19 20
	(4) Section 339(4) and (5)— <i>omit, insert—</i> (4) The prohibited person must immediately comply with the direction, unless the prohibited person has a reasonable excuse. Maximum penalty for subsection (4)—20 penalty units.	21 22 23 24 25 26 27
Clause 108	Amendment of s 340 (Prohibition from entering premises)	28
	(1) Section 340(1), from 'The' to 'chief executive is'—	29

[s 109]

omit, insert—

A State instructional institution's principal may give a person (the *prohibited person*) a written direction requiring the prohibited person not to enter the premises of the institution for up to 60 days after the day on which the direction is given if the principal is

(2) Section 340(3A) to (5)—

omit, insert—

(4) The direction must be accompanied by an information notice about the principal's decision to give the direction.

(5) The direction has no effect until the principal gives it to the prohibited person.

(6) The prohibited person must comply with the direction, unless the prohibited person has a reasonable excuse.

Maximum penalty for subsection (6)—30 penalty units.

Clause 109 Insertion of new s 340A

Chapter 12, part 5, division 5—

insert—

340A Chief executive may prohibit person from entering premises

(1) This section applies if a State instructional institution's principal, or the chief executive, reasonably believes it would be appropriate for the chief executive to exercise the power to give a person a written direction mentioned in section 340.

Example—

It would be appropriate for the chief executive to exercise the power if the principal was prevented from

	doing so by the principles of natural justice relating to bias.	1 2
	(2) The chief executive may exercise the power.	3
	(3) Section 340 applies as if a reference in that section to the principal were a reference to the chief executive.	4 5 6
Clause 110	Replacement of s 341 (Prohibition from entering premises)	7 8
	Section 341—	9
	<i>omit, insert—</i>	10
	341 Prohibition from entering premises	11
	(1) The chief executive may give a person (the <i>prohibited person</i>) a written direction requiring the prohibited person not to enter the premises of a State instructional institution for more than 60 days, but not more than 1 year, after the day on which the direction is given if the chief executive is reasonably satisfied that, unless the direction is given, the prohibited person is likely to—	12 13 14 15 16 17 18 19
	(a) cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the premises; or	20 21 22
	(b) damage the premises or property at the premises; or	23 24
	(c) disrupt the good order or management of the institution.	25 26
	(2) A direction under subsection (1) may not be given to an exempt person for the institution.	27 28
	(3) The direction must state—	29
	(a) the terms of the direction; and	30
	(b) the ground for the direction; and	31

[s 111]

	(c) an outline of the facts and circumstances forming the basis for the ground; and	1 2
	(d) the time the direction is to remain in force.	3
(4)	The direction must state the matters mentioned in section 157(2)(a) to (e) of the QCAT Act as if a reference in the section to the decision were a reference to the direction.	4 5 6 7
(5)	The direction has no effect until the chief executive gives it to the prohibited person.	8 9
(6)	The prohibited person must comply with the direction, unless the prohibited person has a reasonable excuse.	10 11 12
	Maximum penalty for subsection (6)—40 penalty units.	13 14
Clause 111	Amendment of s 343 (Definitions for pt 7)	15
(1)	Section 343, heading, ‘pt 7’— <i>omit, insert—</i>	16 17
	pt 6	18
(2)	Section 343— <i>insert—</i>	19 20
	<i>review body</i> , of a non-State school, see section 343A.	21 22
Clause 112	Insertion of new s 343A	23
	Chapter 12, part 6, division 1— <i>insert—</i>	24 25
	343A Meaning of <i>review body</i>	26
(1)	In this part, a <i>review body</i> of a non-State school is—	27 28

	(a) if the school's governing body has nominated a person to conduct a review—the nominee; or	1 2 3
	(b) otherwise—the school's governing body.	4
	(2) For subsection (1)(a), a nominee must not be the school's principal.	5 6
Clause 113	Omission of s 345 (Review body)	7
	Section 345—	8
	<i>omit.</i>	9
Clause 114	Amendment of s 347 (Review of direction under s 346)	10
	Section 347(5) and (6)—	11
	<i>omit, insert—</i>	12
	(5) The review body must—	13
	(a) make the review decision within 5 business days after the application is made; and	14 15
	(b) as soon as practicable after the decision is made—	16 17
	(i) tell the person and the school's principal about the decision; and	18 19
	(ii) give the person written notice of the decision.	20 21
	(6) If the review body does not tell the person about the review decision under subsection (5)(b)(i) within 5 business days after the application is made, the review decision is taken to be that the direction is cancelled.	22 23 24 25 26
Clause 115	Amendment of s 348 (Direction to leave and not re-enter)	27
	(1) Section 348(1), 'a written'—	28

[s 116]

<i>omit, insert—</i>	1
an oral	2
(2) Section 348(3), ‘state’—	3
<i>omit, insert—</i>	4
include	5
(3) Section 348(3)(c) and (d)—	6
<i>omit, insert—</i>	7
(c) the time during which the prohibited person may not re-enter the premises.	8 9
(4) Section 348(4) and (5)—	10
<i>omit, insert—</i>	11
(4) The prohibited person must immediately comply with the direction, unless the prohibited person has a reasonable excuse.	12 13 14
Maximum penalty for subsection (4)—20 penalty units.	15 16

Clause 116	Amendment of s 349 (Prohibition from entering premises)	17
(1)	Section 349(1), from ‘A’ to ‘this subsection,’—	18
	<i>omit, insert—</i>	19
	A non-State school’s principal	20
(2)	Section 349(1), ‘governing body or nominee’—	21
	<i>omit, insert—</i>	22
	principal	23
(3)	Section 349(3A) to (6)—	24
	<i>omit, insert—</i>	25
	(4) The direction has no effect until the principal gives it to the prohibited person.	26 27

-
- (5) The prohibited person must comply with the direction, unless the prohibited person has a reasonable excuse. 1
2
3
Maximum penalty for subsection (5)—30 penalty units. 4
5

- Clause 117 Insertion of new ss 349A and 349B** 6
Chapter 12, part 6, division 5— 7
insert— 8
349A Non-State school’s governing body or nominee may prohibit person from entering premises 9
10
11
(1) This section applies if a non-State school’s principal, or a non-State school’s governing body, reasonably believes it would be appropriate for the governing body, or its nominee for this subsection, to exercise the power to give a person a written direction mentioned in section 349. 12
13
14
15
16
17
Example— 18
It would be appropriate for the governing body or nominee to exercise the power if the principal was prevented from doing so by the principles of natural justice relating to bias. 19
20
21
22
(2) The governing body or nominee may exercise the power. 23
24
(3) Section 349 applies as if a reference in that section to the principal were a reference to the governing body or nominee. 25
26
27
(4) For subsection (1), a nominee of a non-State school’s governing body must not be the school’s principal. 28
29
30

[s 117]

349B Review of written direction	1
(1) This section applies if a person is given a written direction by—	2 3
(a) a non-State school’s principal under section 349; or	4 5
(b) a non-State school’s governing body or its nominee under section 349A.	6 7
(2) The person may apply in writing to the school’s review body for a review of the direction.	8 9
(3) The application must—	10
(a) be made within 30 school days after the person is given the direction; and	11 12
(b) state in detail the grounds on which the person wants the direction to be reviewed; and	13 14 15
(c) state the person’s residential address.	16
(4) The review body may extend the time for making the application.	17 18
(5) Within 40 school days after the making of the application, the review body must consider the grounds and make a decision to—	19 20 21
(a) confirm the direction; or	22
(b) vary the direction; or	23
(c) substitute another direction for the original direction.	24 25
(6) The review body must make the decision on the material that led to the original direction and any other material the review body considers relevant.	26 27 28 29
(7) The review body must give the person and the school’s principal written notice of the decision.	30 31

	(8)	The written notice must state the matters mentioned in section 157(2)(a) to (e) of the QCAT Act for the decision.	1 2 3
	(9)	If the written direction was given by the school's governing body or its nominee, the review body must not be the governing body or nominee.	4 5 6
Clause 118		Replacement of s 350 (Prohibition from entering premises)	7 8
		Section 350—	9
		<i>omit, insert—</i>	10
		350 Prohibition from entering premises	11
	(1)	A non-State school's governing body, or its nominee for this subsection, may give a person (the <i>prohibited person</i>) a written direction requiring the prohibited person not to enter the premises of the school for more than 60 days, but not more than 1 year, after the day on which the direction is given if the governing body or nominee is reasonably satisfied that, unless the direction is given, the prohibited person is likely to—	12 13 14 15 16 17 18 19 20 21
	(a)	cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the premises; or	22 23 24
	(b)	damage the premises or property at the premises; or	25 26
	(c)	disrupt the good order or management of the school.	27 28
	(2)	A direction under subsection (1) may not be given to an exempt person for the school.	29 30
	(3)	The direction must state—	31
	(a)	the terms of the direction; and	32
	(b)	the ground for the direction; and	33

[s 119]

	(c) an outline of the facts and circumstances forming the basis for the ground; and	1 2
	(d) the time the direction is to remain in force.	3
	(4) The direction must state the matters mentioned in section 157(2)(a) to (e) of the QCAT Act as if a reference in the section to the decision were a reference to the direction.	4 5 6 7
	(5) The direction has no effect until the governing body or nominee gives it to the prohibited person.	8 9
	(6) The prohibited person must comply with the direction, unless the prohibited person has a reasonable excuse.	10 11 12
	Maximum penalty for subsection (6)—40 penalty units.	13 14
Clause 119	Amendment of s 356 (Notification of application or direction)	15 16
	(1) Section 356(1), ‘341, 350,’— <i>omit.</i>	17 18
	(2) Section 356(3), ‘340 or 349’— <i>omit, insert—</i> 340, 341, 349 or 350	19 20 21
Clause 120	Amendment of s 357 (Noncompliance with QCAT order)	22
	Section 357(1)— <i>omit.</i>	23 24
Clause 121	Amendment of s 358 (Annual report of department to include report on various matters)	25 26
	(1) Section 358(1)(a), ‘and 340’— <i>omit, insert—</i>	27 28

	, 340 and 341	1
(2)	Section 358(1)(b), ‘341,’—	2
	<i>omit.</i>	3
Clause 122	Amendment of s 359 (Non-State school’s governing body to give particular information to Minister)	4
		5
(1)	Section 359(a), ‘348 and 349’—	6
	<i>omit, insert—</i>	7
	348, 349 and 350	8
(2)	Section 359(b)—	9
	<i>omit.</i>	10
(3)	Section 359(c) to (e), ‘section 347’—	11
	<i>omit, insert—</i>	12
	each of sections 347 and 349B	13
(4)	Section 359(c) to (e)—	14
	<i>renumber</i> as section 359(b) to (d).	15
Clause 123	Amendment of ch 15, pt 3, hdg (External reviews of directions under section 340 or 349)	16
		17
	Chapter 15, part 3, heading, from ‘directions’—	18
	<i>omit, insert—</i>	19
	particular directions and decision	20
Clause 124	Replacement of s 397 (Who may apply for external review of direction given)	21
		22
	Section 397—	23
	<i>omit, insert—</i>	24

[s 125]

397 Who may apply for external review

- | | |
|---|-------------|
| | 1 |
| (1) A person who is given a direction under section 341 or 350 may apply to QCAT for a review of the direction. | 2
3
4 |
| (2) A person who is given written notice of a decision under section 349B may apply to QCAT for a review of the decision. | 5
6
7 |

Clause 125 Amendment of s 407 (Other evidentiary aids)

- | | |
|---|----------------------|
| (1) Section 407(1)(a)(ii) and (iii)— | 8
9 |
| <i>omit, insert—</i> | 10 |
| (ii) an exemption granted under section 185; or | 11
12 |
| (iii) an exemption granted under section 244; or | 13
14 |
| (2) Section 407(1)(d) and (e)— | 15 |
| <i>omit, insert—</i> | 16 |
| (d) on a stated day, or during a stated period, an exemption granted under section 185 for a stated child was, or was not, in force; | 17
18
19 |
| (e) on a stated day, or during a stated period, an exemption granted under section 244 for a stated young person was, or was not, in force. | 20
21
22
23 |
| (3) Section 407— | 24 |
| <i>insert—</i> | 25 |
| (3) A certificate purporting to be signed by a non-State school's principal and stating any of the following matters is evidence of the matter— | 26
27
28 |
| (a) a stated document is an exemption granted by the principal under section 185A or 244A; | 29
30
31 |

(b)	a stated document is a copy of a document mentioned in paragraph (a);	1 2
(c)	on a stated day, or during a stated period, an exemption granted by the principal under section 185A for a stated child was, or was not, in force;	3 4 5 6
(d)	on a stated day, or during a stated period, an exemption granted by the principal under section 244A for a stated young person was, or was not, in force.	7 8 9 10
Clause 126	Insertion of new s 429B	11
	After section 429A—	12
	<i>insert—</i>	13
	429B Anti-Discrimination Act 1991	14
(1)	The <i>Anti-Discrimination Act 1991</i> does not apply in relation to an act that is necessary to comply with, or is specifically authorised by, a mature age student provision.	15 16 17 18
(2)	In this section—	19
	<i>mature age student provision</i> means—	20
(a)	a provision of this Act about the enrolment of a person as a mature age student of a mature age State school; or	21 22 23
(b)	a provision of chapter 8A that applies in relation to—	24 25
(i)	a mature age student of a mature age State school; or	26 27
(ii)	a prospective mature age student.	28
	<i>prospective mature age student</i> means a person who has applied for enrolment as a mature age student of a mature age State school.	29 30 31

[s 127]

Clause 127	Insertion of new ch 20, pt 8, divs 4–6	1
	Chapter 20, part 8—	2
	<i>insert—</i>	3
	Division 4	
	Mature age students	4
	530 Application for mature age student notice	5
	(1) This section applies if—	6
	(a) an application for a mature age student notice was made under section 28 of the pre-amended Act; and	7 8 9
	(b) immediately before the commencement, the application had not been decided under section 29 of that Act.	10 11 12
	(2) The pre-amended Act continues to apply in relation to the application as if the amending Act had not been enacted.	13 14 15
	531 Positive notices	16
	(1) This section applies if—	17
	(a) the chief executive issued a positive notice in relation to a mature age State school to a person under section 29(1)(a) or 42(7) of the pre-amended Act; and	18 19 20 21
	(b) the notice is in force immediately before the commencement.	22 23
	(2) Chapter 2, part 5 of the pre-amended Act continues to apply in relation to the positive notice as if the amending Act had not been enacted.	24 25 26 27
	(3) To remove any doubt, it is declared that subsection (2) applies whether or not the mature age State school is a mature age State school on or after the commencement.	28 29 30 31

532 Negative notices	1
(1) This section applies if—	2
(a) the chief executive issued a negative notice to a person under section 29(1)(b) or 38(2) or (3) of the pre-amended Act; and	3 4 5
(b) the notice is in force immediately before the commencement.	6 7
(2) The pre-amended Act continues to apply in relation to the negative notice as if the amending Act had not been enacted.	8 9 10
533 Application for enrolment at mature age State school	11 12
(1) This section applies if—	13
(a) an application for enrolment at a mature age State school was made under section 155 of the pre-amended Act by a person with a current positive notice; and	14 15 16 17
(b) immediately before the commencement, the application had not been decided.	18 19
(2) The pre-amended Act continues to apply in relation to the application as if the amending Act had not been enacted.	20 21 22
(3) To remove any doubt, it is declared that subsection (2) applies whether or not the mature age State school is a mature age State school on or after the commencement.	23 24 25 26
534 Time limit on application for enrolment by person with negative notice	27 28
(1) This section applies—	29
(a) if—	30

[s 127]

- (i) a person made an application under section 28 of the pre-amended Act for a mature age student notice in relation to a mature age State school; and
 - (ii) the chief executive decided the application by issuing the person with a negative notice; and
 - (b) if the chief executive has not made a review decision to cancel the negative notice and substitute a positive notice; and
 - (c) if the period of 1 year starting on the day after the day the person was notified about the decision mentioned in paragraph (a)(ii) has not ended before the commencement.
- (2) The person is not eligible to apply for enrolment under section 155 as a mature age student of the mature age State school, or any other mature age State school, in the 1-year period.

535 Criminal history of mature age students

- (1) This section applies if, immediately before the commencement—
 - (a) a person was a mature age student of a mature age State school; and
 - (b) the person was an adult on the day of enrolment at the school.
- (2) Chapter 2, part 5, division 4 of the pre-amended Act continues to apply in relation to the person while the person is enrolled at the school as if the amending Act had not been enacted.
- (3) To remove any doubt, it is declared that subsection (2) applies whether or not the mature age State school is a mature age State school on or after the commencement.

Division 5	Directions and prohibition orders	1 2
536	Reviews of particular existing directions	3
(1)	This section applies if—	4
(a)	a person was given a direction under section 337, 340 or 349 of the pre-amended Act; and	5 6 7
(b)	immediately before the commencement, the person—	8 9
(i)	had applied for a review of the direction and the application had not been decided; or	10 11 12
(ii)	was entitled to apply for a review of the direction but had not applied.	13 14
(2)	The pre-amended Act continues to apply in relation to—	15 16
(a)	the direction; and	17
(b)	any application for a review of the direction; and	18 19
	<i>Note—</i>	20
	See also sections 338 and 397 of the pre-amended Act.	21 22
(c)	the confirming, cancelling, amending, setting aside, substituting or returning of the direction (a review decision); and	23 24 25
(d)	the giving of, or the failure to give, notice of the review decision.	26 27
	<i>Note—</i>	28
	See also section 356(3) and (4) of the pre-amended Act.	29 30

[s 127]

537 Existing applications for orders prohibiting persons from entering particular premises	1 2
(1) This section applies if—	3
(a) an application had been made under section 341(1) or 350(1) of the pre-amended Act; and	4 5 6
(b) immediately before the commencement, the application had not been decided.	7 8
(2) The pre-amended Act continues to apply in relation to—	9 10
(a) the application; and	11
(b) the giving of a notice in relation to the application; and	12 13
<i>Note—</i>	14
See also section 356(2) of the pre-amended Act.	15
(c) any order made by QCAT in relation to the application.	16 17
<i>Note—</i>	18
See also section 357(1) of the pre-amended Act.	19
538 Annual report of department to include report on particular orders made during 2014–15 financial year	20 21 22
(1) In the department’s annual report for the 2014–15 financial year, the chief executive must include details of the number of orders made during that financial year under section 341 of the pre-amended Act.	23 24 25 26 27
(2) This section does not limit section 358.	28

539 Non-State school's governing body to give particular information to Minister for 2014–15 financial year	1 2 3
(1) A non-State school's governing body must, within 2 months after the end of the 2014–15 financial year, advise the Minister of the number of orders, relating to the school, made during that financial year under section 350 of the pre-amended Act, including the number made in relation to children.	4 5 6 7 8 9 10
(2) This section does not limit section 359.	11
Division 6 Other matters	12
540 Chief executive may cancel enrolment for particular students	13 14
(1) This section applies to a fee charged under section 52(2) of the pre-amended Act before the commencement.	15 16 17
(2) While the fee remains unpaid, the chief executive may cancel the enrolment of the person to whom the fee relates.	18 19 20
(3) The chief executive must, at least 14 days before the enrolment is cancelled, give the person notice that the chief executive intends to cancel the person's enrolment.	21 22 23 24
541 Distance education fees for 2014 and 2015 school years not payable by particular persons	25 26
(1) This section applies for a person who—	27
(a) immediately before the commencement—	28
(i) was a person mentioned in section 52(1)(a); and	29 30

[s 128]

	(ii) lived in a State other than Queensland; and	1 2
	(b) during the 2014 school year, enrolls, or has enrolled, in a program of distance education at a State school for the 2015 school year.	3 4 5
	(2) Section 52(2) and (3) does not apply to the person for the 2014 and 2015 school years.	6 7
Clause 128	Amendment of sch 4 (Dictionary)	8
(1)	Schedule 4, definitions <i>criminal history</i> , <i>mature age State school</i> , <i>mature age student</i> , <i>mature age student notice</i> , <i>negative notice</i> , <i>original decision</i> , <i>original direction</i> , <i>police commissioner</i> , <i>positive notice</i> and <i>review body</i> — <i>omit</i> .	9 10 11 12 13
(2)	Schedule 4— <i>insert</i> —	14 15
	<i>corresponding law</i> , for chapter 3, see section 48.	16
	<i>criminal history</i> , of a relevant mature age student, for chapter 8A, see section 175A.	17 18
	<i>mature age State school</i> means a State school prescribed by regulation as a mature age State school.	19 20 21
	<i>mature age student</i> , of a mature age State school, means an adult enrolled at the school.	22 23
	<i>original decision</i> , for chapter 15, part 1, see section 390.	24 25
	<i>police commissioner</i> —	26
	(a) for chapter 8A—see section 175A; or	27
	(b) for chapter 12, part 3—see section 280.	28
	<i>relevant decision-maker</i> —	29
	(a) for chapter 9, part 3—see section 186(1); or	30

	(b) for chapter 10, part 5—see section 245(1).	1
	<i>relevant mature age student</i> , of a mature age State school, for chapter 8A, see section 175A.	2 3
	<i>review body</i> , of a non-State school, for chapter 12, part 6, see section 343A.	4 5
Part 6	Amendment of Education (Queensland College of Teachers) Act 2005	6 7 8
Clause 129	Act amended	9
	This part amends the <i>Education (Queensland College of Teachers) Act 2005</i> .	10 11
Clause 130	Insertion of new s 25D	12
	Chapter 2, part 3, division 1—	13
	<i>insert—</i>	14
	25D Definition for div 1	15
	In this division—	16
	<i>previously-provided police information</i> , for a person who applies, under section 28, for renewal of full registration or permission to teach, means information that—	17 18 19 20
	(a) relates to the person; and	21
	(b) was given to the college under section 15 or 15A before the person applied for the renewal.	22 23 24

[s 131]

Clause 131	Amendment of s 29 (Requirements for renewal—full registration)	1 2
	Section 29—	3
	<i>insert—</i>	4
	(5A) However, section 16 applies in relation to previously-provided police information for the person only if—	5 6 7
	(a) the college proposes to make a decision under section 32(1)—	8 9
	(i) to renew the person’s registration with conditions; or	10 11
	(ii) to refuse to renew the person’s registration; and	12 13
	(b) the previously-provided police information is relevant to the decision.	14 15
Clause 132	Amendment of s 31 (Requirements for renewal—permission to teach)	16 17
	Section 31—	18
	<i>insert—</i>	19
	(4) However, section 16 applies in relation to previously-provided police information for the person only if—	20 21 22
	(a) the college proposes to make a decision under section 32(1)—	23 24
	(i) to renew the person’s permission to teach with conditions; or	25 26
	(ii) to refuse to renew the person’s permission to teach; and	27 28
	(b) the previously-provided police information is relevant to the decision.	29 30

Clause 133	Amendment of s 32 (How college may decide application for renewal)	1
		2
	Section 32(1)—	3
	<i>insert—</i>	4
	<i>Note—</i>	5
	For requirements relating to particular proposed decisions under this subsection to which previously-provided police information for an applicant is relevant—see sections 29(5A) and 31(4).	6
		7
		8
		9
Clause 134	Amendment of s 246 (Disqualification from membership)	10
	Section 246—	11
	<i>insert—</i>	12
	(7) In this section—	13
	<i>convicted</i> , of an indictable offence, does not include being found guilty of the offence, on a plea of guilty or otherwise, without a conviction being recorded for the offence.	14
		15
		16
		17
	<i>indictable offence</i> does not include an indictable offence dealt with summarily.	18
		19
Clause 135	Amendment of s 247 (Report about person’s criminal history)	20
		21
	Section 247(6)—	22
	<i>insert—</i>	23
	<i>indictable offence</i> does not include an indictable offence dealt with summarily.	24
		25
Clause 136	Amendment of s 249 (Requirement for board members to disclose changes in criminal history)	26
		27
	Section 249(4)—	28
	<i>insert—</i>	29

[s 137]

	<i>indictable offence</i> does not include an indictable offence dealt with summarily.	1 2
Clause 137	Amendment of sch 3 (Dictionary)	3
	Schedule 3—	4
	<i>insert—</i>	5
	<i>previously-provided police information</i> , for chapter 2, part 3, division 1, see section 25D.	6 7
Part 7	Amendment of Further Education and Training Act 2014	8 9 10
Clause 138	Act amended	11
	This part amends the <i>Further Education and Training Act 2014</i> .	12 13
Clause 139	Amendment of s 194 (Protection from liability)	14
	(1) Section 194—	15
	<i>insert—</i>	16
	(2A) This section does not apply to a prescribed person if the person is a State employee within the meaning of the <i>Public Service Act 2008</i> , section 26B(4).	17 18 19 20
	<i>Note—</i>	21
	For protection from civil liability in relation to State employees—see the <i>Public Service Act 2008</i> , section 26C.	22 23 24
	(2) Section 194(3), definition <i>prescribed person</i> , paragraphs (b) and (c)—	1 2

omit. 3

(3) Section 194(3), definition *prescribed person*, paragraph (e)— 4

omit, insert— 5

(e) a person acting under the direction of any of
the following— 6

(i) the Minister; 8

(ii) the chief executive; 9

(iii) a public service employee employed in
the department; 10

(iv) an inspector; 12

(4) Section 194(3), definition *prescribed person*, paragraphs (d)
to (f)— 13

renumber as paragraphs (b) to (d). 15

(5) Section 194(2A) and (3)— 16

renumber as section 194(3) and (4). 17

Part 8 **Minor and consequential** 18
amendments 19

Clause 140 **Acts amended in sch 1** 20

Schedule 1 amends the Acts it mentions. 21

Schedule 1	Minor and consequential amendments	1 2
	section 140	3
	Drugs Misuse Act 1986	4
1	Section 4, definition <i>educational institution</i>, paragraph (a), from 'instructional' to 'educational institution'—	5 6
	<i>omit, insert—</i>	7
	instructional institution or non-State school	8
	Education (Accreditation of Non-State Schools) Act 2001	9 10
1	Section 175(2)—	11
	<i>omit.</i>	12
	Education (Work Experience) Act 1996	13
1	Section 5(1)(d)—	14
	<i>omit.</i>	15
2	Schedule, definition <i>international educational institution</i>—	16 17
	<i>omit.</i>	18

	Public Interest Disclosure Act 2010	1
1	Section 6(2)(c)(ii)— <i>omit.</i>	2 3
2	Section 6(2)(c)(iii) and (iv)— <i>renumber</i> as section 6(2)(c)(ii) and (iii).	4 5
	Public Sector Ethics Act 1994	6
1	Schedule, definition <i>public sector entity</i>, paragraph (h)(iv)— <i>omit.</i>	7 8 9