



Queensland

Education (General Provisions) and Other Legislation Amendment Bill 2024



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Education (General Provisions) and Other Legislation Amendment Bill 2024

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2024

A Bill

for

An Act to amend the *Education and Care Services Act 2013*, the *Education and Care Services National Law (Queensland) Act 2011*, the *Education (General Provisions) Act 2006*, the *Education (General Provisions) Regulation 2017*, the *Public Health Act 2005*, the *Working with Children (Risk Management and Screening) Act 2000* and the legislation mentioned in schedule 1 for 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 (General Provisions)
and Other Legislation Amendment Act 2024*. 4
5

Clause 2 Commencement 6

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

(a) parts 2 and 3; 9

(b) part 4, division 3; 10

(c) parts 5 to 7; 11

(d) schedule 1, part 2. 12

**Part 2 Amendment of Education and
Care Services Act 2013** 13
14

Clause 3 Act amended 15

This part amends the *Education and Care Services Act 2013*. 16

**Clause 4 Amendment of s 8 (Meaning of *Queensland education
and care service*)** 17
18

(1) Section 8(1)— 19

insert— 20

(ba) a service that is a State school kindergarten 21
program provided at a prescribed State 22

	school under the <i>Education (General Provisions) Act 2006</i> , section 419A;	1 2
(2)	Section 8(1)(c), example, ‘paragraph (c)’— <i>omit, insert</i> — paragraph (d)	3 4 5
(3)	Section 8(1)(d), example, ‘paragraph (d)’— <i>omit, insert</i> — paragraph (e)	6 7 8
(4)	Section 8(1)(ba) to (h)— <i>renumber</i> as section 8(1)(c) to (i).	9 10
Clause 5	Amendment of s 107 (Person must not provide an education and care service without service approval)	11 12
(1)	Section 107, heading— <i>omit, insert</i> — 107 Person must not provide regulated education and care to 7 or more children of particular age without approval	13 14 15 16 17
(2)	Section 107(1), after ‘children’— <i>insert</i> — , who are under 13 years of age,	18 19 20
(3)	Section 107— <i>insert</i> — (3) Subsection (1) does not apply to a person providing regulated education and care as part of a service mentioned in section 8(1)(a) to (i).	21 22 23 24 25
Clause 6	Amendment of s 202 (Person must not contravene prohibition notice under this Act)	26 27
(1)	Section 202, heading, after ‘this Act’—	28

[s 7]

<i>insert—</i>	1
or Education and Care Services National Law	2
(2) Section 202(1), ‘(Queensland)’—	3
<i>omit.</i>	4
(3) Section 202—	5
<i>insert—</i>	6
(5) In this section—	7
<i>Education and Care Services National Law</i>	8
means the Education and Care Services National	9
Law—	10
(a) as in force from time to time, set out in the	11
schedule to the <i>Education and Care Services</i>	12
<i>National Law Act 2010</i> (Vic); and	13
(b) as it applies as a law of Queensland or	14
another State, with or without modification.	15

Clause 7	Insertion of new pt 11, div 3	16	
	Part 11—	17	
	<i>insert—</i>	18	
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		Education (General	20
		Provisions) and Other	21
		Legislation Amendment	22
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	In this division—	25	
	<i>amendment Act</i> means the <i>Education (General</i>	26	
	<i>Provisions) and Other Legislation Amendment</i>	27	
	<i>Act 2024.</i>	28	

-
- former*, for a provision of an Act, means the provision as in force from time to time before the commencement. 1
2
3
- kindergarten learning program* means a program that— 4
5
- (a) immediately before the commencement, was— 6
7
- (i) a kindergarten learning program provided at a prescribed State school under the *Education (General Provisions) Act 2006*, former section 419A; and 8
9
10
11
12
- (ii) a QEC service; and 13
- (b) from the commencement, is a State school kindergarten program provided at a prescribed State school under the *Education (General Provisions) Act 2006*, new section 419A. 14
15
16
17
18
- new*, for a provision of an Act, means the provision as in force from the commencement. 19
20

262 Existing requests for information about suitability checks 21
22

- (1) This section applies if— 23
- (a) before the commencement, the chief executive made a request under section 191 about— 24
25
26
- (i) a carer in a kindergarten learning program; or 27
28
- (ii) a supervisor, educator, staff member or person with management or control of a kindergarten learning program; and 29
30
31
- (b) immediately before the commencement, the chief executive (employment screening) had 32
33

[s 7]

- not complied with section 191(2) in relation to the request. 1
2
- (2) Section 191(2) continues to apply to the chief executive (employment screening) in relation to the request as if the kindergarten learning program were still a QEC service. 3
4
5
6
- 263 Existing show cause notices for prohibition notices** 7
8
- (1) This section applies if— 9
- (a) before the commencement, the chief executive gave a show cause notice under section 197 to a person involved in the provision of education and care at a kindergarten learning program; and 10
11
12
13
14
- (b) immediately before the commencement, the chief executive had not decided whether to give a prohibition notice to the person under section 196. 15
16
17
18
- (2) This Act continues to apply in relation to the show cause notice and the giving of a prohibition notice as if the amendment Act had not been enacted. 19
20
21
- (3) Without limiting subsection (2) and for the purpose of this section, section 196(a) applies in relation to the kindergarten learning program as if it were still a QEC service. 22
23
24
25
- (4) If the chief executive decides to issue a prohibition notice to the person, the person may apply for, and QCAT may hear and decide, a review of the decision under this Act as if the amendment Act had not been enacted. 26
27
28
29
30
- 264 Existing reviews by QCAT** 31
- (1) This section applies if— 32

-
- (a) before the commencement— 1
- (i) the chief executive gave a prohibition 2
notice to a person involved in the 3
provision of education and care at a 4
kindergarten learning program; and 5
- (ii) the person applied to QCAT for a 6
review of the decision to give the 7
notice; and 8
- (b) immediately before the commencement, the 9
review had not been decided. 10
- (2) QCAT may continue to hear, and decide, the 11
review under this Act as if the amendment Act 12
had not been enacted. 13
- (3) Without limiting subsection (2) and for the 14
purpose of this section, section 196(a) applies in 15
relation to the kindergarten learning program as if 16
it were still a QEC service. 17

265 Existing review rights to QCAT 18

- (1) This section applies if— 19
- (a) before the commencement, the chief 20
executive gave a prohibition notice to a 21
person involved in the provision of 22
education and care at a kindergarten 23
learning program; and 24
- (b) immediately before the commencement— 25
- (i) the person could have, but had not, 26
applied to QCAT for a review of the 27
decision to give the person the 28
prohibition notice; and 29
- (ii) the period within which the person 30
could apply for the review had not 31
ended. 32
- (2) The person may, within the period mentioned in 33

[s 8]

subsection (1)(b)(ii), apply for the review, and QCAT may hear and decide the review, under this Act as if the amendment Act had not been enacted. 1
2
3
4

(3) Without limiting subsection (2) and for the purpose of this section, section 196(a) applies in relation to the kindergarten learning program as if it were still a QEC service. 5
6
7
8

266 Transitional regulation-making power 9

(1) A regulation (a *transitional regulation*) may make provision about a matter for which— 10
11

(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as in force before its amendment by the amendment Act to the operation of this Act as in force from the commencement; and 12
13
14
15
16
17

(b) this Act does not provide or sufficiently provide. 18
19

(2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences. 20
21
22

(3) A transitional regulation must declare it is a transitional regulation. 23
24

(4) This section and any transitional regulation expire on the day that is 2 years after the day this section commences. 25
26
27

Clause 8 Amendment of sch 1 (Dictionary) 28

Schedule 1, definition *school child*, before ‘who’— 29

insert— 30

, other than a kindergarten student under the *Education (General Provisions) Act 2006*, 31
32

Part 3	Amendment of Education and Care Services National Law (Queensland) Act 2011	1 2 3
Clause 9	Act amended	4
	This part amends the <i>Education and Care Services National Law (Queensland) Act 2011</i> .	5 6
	<i>Editor's note—</i>	7
	For a consolidated reprint of the Education and Care Services National Law as it applies in Queensland, see the Education and Care Services National Law (Queensland).	8 9 10
Clause 10	Insertion of new pt 2, div 1, hdg	11
	Before section 4—	12
	<i>insert—</i>	13
	Division 1 General	14
Clause 11	Amendment of s 4 (Adoption of Education and Care Services National Law)	15 16
	(1) Section 4(a), after 'jurisdiction'—	17
	<i>insert—</i>	18
	, with the modifications set out in division 2	19
	(2) Section 4—	20
	<i>insert—</i>	21
	<i>Editor's note—</i>	22
	For a consolidated reprint of the Education and Care Services National Law as it applies in Queensland, see the Education and Care Services National Law (Queensland).	23 24 25 26

[s 12]

Clause 12	Insertion of new pt 2, div 2	1	
	Part 2—	2	
	<i>insert</i> —	3	
	Division 2	Modifications of Education and Care Services National Law for this jurisdiction	4
			5
			6
	<i>Editor's note</i> —		7
	For a consolidated reprint of the Education and Care Services National Law as it applies in Queensland, see the Education and Care Services National Law (Queensland).		8 9 10 11
	18A Definition for division		12
	In this division—		13
	<i>Education and Care Services National Law</i> means the Education and Care Services National Law, as in force from time to time, set out in the schedule to the <i>Education and Care Services</i> <i>National Law Act 2010</i> of Victoria.		14 15 16 17 18
	18B Operation of division		19
	This division states the modifications of the Education and Care Services National Law for the purposes of applying the modified Education and Care Services National Law as a law of this jurisdiction under section 4.		20 21 22 23 24
	18C Modification of s 5 (Definitions)		25
	(1) Section 5(1), definition <i>education and care</i> <i>service</i> , paragraph (a), after ‘in a school’—		26 27
	<i>insert</i> —		28

	(unless mentioned in paragraph (b) or (ba))	1
(2)	Section 5(1), definition <i>education and care service</i> , paragraph (a)—	2
	<i>insert</i> —	3
	<i>Editor's note</i> —	4
	This paragraph is a modified Queensland provision.	5
		6
		7
(3)	Section 5(1), definition <i>education and care service</i> —	8
	<i>insert</i> —	9
	(ba) a State school kindergarten program, delivered in a prescribed State school, under the <i>Education (General Provisions) Act 2006</i> of Queensland;	10
	<i>Editor's note</i> —	11
	This paragraph is an additional Queensland provision.	12
		13
		14
		15
		16
		17
	18D Modification of sch 1 (Miscellaneous provision relating to interpretation)	18
		19
	Schedule 1, section 4—	20
	<i>insert</i> —	21
(6)	Editor's notes included in this Law do not form part of this Law.	22
	<i>Editor's note</i> —	23
	Subsection (6) is an additional Queensland provision.	24
		25
		26
Clause 13	Amendment of s 20 (Giving information to chief executive (employment screening) about disciplinary action)	27
		28
	Section 20(1)(a)(vii) to (ix)—	29
	<i>omit.</i>	30

[s 14]

Clause 14	Amendment of s 22 (Obtaining information from chief executive (employment screening) about employment screening)	1 2 3
	(1) Section 22(1)(c)— <i>omit.</i>	4 5
	(2) Section 22(1)(d) and (e)— <i>renumber</i> as section 22(1)(c) and (d).	6 7
Clause 15	Insertion of new pt 4, div 1, sdiv 1, hdg	8
	Before section 27— <i>insert</i> —	9 10
	Subdivision 1 Transitional provisions for Act No. 38 of 2011	11 12
Clause 16	Insertion of new pt 4, div 1, sdiv 2	13
	Part 4, division 1— <i>insert</i> —	14 15
	Subdivision 2 Transitional provisions for Education (General Provisions) and Other Legislation Amendment Act 2024	16 17 18 19 20
	31A Definitions for subdivision	21
	In this subdivision—	22
	<i>amendment Act</i> means the <i>Education (General Provisions) and Other Legislation Amendment Act 2024</i> .	23 24 25
	<i>former</i> , for a provision of an Act, means the provision as in force from time to time before the commencement.	26 27 28

<i>kindergarten learning program</i> means a program that—	1 2
(a) immediately before the commencement, was—	3 4
(i) a kindergarten learning program provided at a prescribed State school under the <i>Education (General Provisions) Act 2006</i> , former section 419A; and	5 6 7 8 9
(ii) an education and care service; and	10
(b) from the commencement, is a State school kindergarten program provided at a prescribed State school under the <i>Education (General Provisions) Act 2006</i> , new section 419A.	11 12 13 14 15
<i>new</i> , for a provision of an Act, means the provision as in force from the commencement.	16 17
<i>State school kindergarten modifications</i> means the modifications of the Education and Care Services National Law made by part 2, division 2 of this Act, as inserted by the amendment Act, section 12.	18 19 20 21 22
<i>the Law</i> means the Education and Care Services National Law (Queensland).	23 24

31B Existing request for information about employment screening	25 26
(1) This section applies if—	27
(a) before the commencement, the regulatory authority made a request under section 22 about—	28 29 30
(i) a person with management or control of a kindergarten learning program; or	31 32

[s 16]

(ii)	an educator of a kindergarten learning program; and	1 2
(b)	immediately before the commencement, the chief executive (employment screening) had not complied with section 22(2) in relation to the request.	3 4 5 6
(2)	Section 22(2) continues to apply to the chief executive (employment screening) in relation to the request as if the amendment Act had not been enacted.	7 8 9 10
31C Privacy obligation continues to apply to URL data		11 12
	To remove any doubt, it is declared that section 36(2) continues to apply after the commencement to a prescribed entity that received URL data under section 36 before the commencement about—	13 14 15 16 17
(a)	a child enrolled in a kindergarten learning program; or	18 19
(b)	a staff member of a State school who delivered a kindergarten learning program.	20 21
31D Existing provider approval and service approvals for kindergarten learning programs		22 23
(1)	This section applies in relation to an approved provider who, immediately before the commencement, held a provider approval, and a service approval, under which the approved provider provided a kindergarten learning program.	24 25 26 27 28 29
(2)	On the commencement—	30
(a)	the provider approval and service approval held by the approved provider are cancelled; and	31 32 33

-
- (b) any service waiver or temporary waiver that 1
is in force in relation to the kindergarten 2
learning program is revoked. 3

**31E Existing applications for or about service 4
approvals for kindergarten learning programs 5**

- (1) This section applies to any of the following 6
applications made, but not decided or withdrawn, 7
before the commencement, that relate to a 8
kindergarten learning program— 9
- (a) an application under section 43 of the Law 10
for a service approval in relation to the 11
program; 12
- (b) an application under section 54 of the Law 13
for the amendment of a service approval 14
under which the program is provided; 15
- (c) an application under section 87 of the Law 16
for a service waiver in relation to the 17
program; 18
- (d) an application under section 94 of the Law 19
for a temporary waiver in relation to the 20
program. 21
- (2) On the commencement, the application is taken to 22
have been withdrawn. 23

31F Existing notices under pt 7, div 1 of the Law 24

- (1) This section applies if— 25
- (a) before the commencement, a part 7, division 26
1 notice was given to an approved provider 27
in relation to a kindergarten learning 28
program provided by the provider; and 29
- (b) immediately before the commencement— 30
- (i) the approved provider had not 31
complied with the notice; and 32

[s 16]

- (ii) the period for complying with the notice had not ended. 1
2
- (2) On the commencement, the part 7, division 1 notice is cancelled. 3
4
- (3) In this section— 5
- part 7, division 1 notice* means— 6
- (a) a compliance direction; or 7
- (b) a compliance notice; or 8
- (c) an emergency action notice under section 179 of the Law. 9
10
- 31G Existing show cause notices for prohibition notices** 11
12
- (1) This section applies if— 13
- (a) before the commencement, the regulatory authority gave a show cause notice under section 183 of the Law to a person involved in the provision of a kindergarten learning program; and 14
15
16
17
18
- (b) immediately before the commencement, the regulatory authority had not decided whether to give a prohibition notice to the person. 19
20
21
22
- (2) The Law and this Act continue to apply in relation to the show cause notice and the giving of a prohibition notice as if the amendment Act had not been enacted. 23
24
25
26
- (3) Without limiting subsection (2) and for the purpose of this section, section 182 of the Law continues to apply in relation to the kindergarten learning program, and the premises of the kindergarten learning program, as if— 27
28
29
30
31
- (a) the State school kindergarten modifications had not commenced; and 32
33

-
- (b) section 31D did not apply. 1
- (4) To remove any doubt, it is declared that the 2
regulatory authority may accept an undertaking 3
from the person under section 179A(4) of the Law 4
instead of giving the person a prohibition notice. 5
- (5) If the regulatory authority decides to give a 6
prohibition notice to the person, the person may 7
apply for, and QCAT may hear and decide, a 8
review of the decision under the Law and this Act 9
as if the amendment Act had not been enacted. 10
- 31H Existing reviews by QCAT** 11
- (1) This section applies if— 12
- (a) before the commencement— 13
- (i) the regulatory authority gave a 14
prohibition notice to a person involved 15
in the provision of a kindergarten 16
learning program; and 17
- (ii) the person applied to QCAT for a 18
review of the decision to give the 19
prohibition notice; and 20
- (b) immediately before the commencement, the 21
review had not been decided. 22
- (2) QCAT may continue to hear, and decide, the 23
review under the Law and this Act as if the 24
amendment Act had not been enacted. 25
- (3) Without limiting subsection (2) and for the 26
purpose of this section, section 182 of the Law 27
continues to apply in relation to the kindergarten 28
learning program, and the premises of the 29
kindergarten learning program, as if— 30
- (a) the State school kindergarten modifications 31
had not commenced; and 32
- (b) section 31D did not apply. 33

[s 16]

31I Existing external review rights	1
(1) This section applies if—	2
(a) before the commencement, the regulatory authority gave a prohibition notice to a person involved in the provision of a kindergarten learning program; and	3 4 5 6
(b) immediately before the commencement—	7
(i) the person could have, but had not, applied to QCAT for a review of the decision to give the person the prohibition notice; and	8 9 10 11
(ii) the period within which the person could apply for the review had not ended.	12 13 14
(2) The person may, within the period mentioned in subsection (1)(b)(ii), apply for the review, and QCAT may hear and decide the review, under the Law and this Act as if the amendment Act had not been enacted.	15 16 17 18 19
(3) Without limiting subsection (2) and for the purpose of this section, section 182 of the Law continues to apply in relation to the kindergarten learning program, and the premises of the kindergarten learning program, as if—	20 21 22 23 24
(a) the State school kindergarten modifications had not commenced; and	25 26
(b) section 31D did not apply.	27
31J Cancellation of existing prohibition notices	28
(1) This section applies in relation to a prohibition notice that—	29 30
(a) was given to a person before the commencement because the person was	31 32

-
- involved in the provision of a kindergarten learning program; and 1
2
- (b) immediately before the commencement, was still in force. 3
4
- (2) If an application for the cancellation of the prohibition notice was made, but not decided or withdrawn, before the commencement— 5
6
7
- (a) the Law and this Act continue to apply in relation to the cancellation of the prohibition notice as if the amendment Act had not been enacted; and 8
9
10
11
- (b) if the regulatory authority refuses to cancel the prohibition notice—the person may apply for, and QCAT may hear and decide, a review of the decision under the Law and this Act as if the amendment Act had not been enacted. 12
13
14
15
16
17
- (3) Subsection (4) applies if an application for the cancellation of the prohibition notice is made after the commencement. 18
19
20
- (4) Section 186(4)(a) of the Law applies in relation to the person’s application as if the section referred to whether there would be an unacceptable risk of harm to children if the person were allowed to be present at a place at which an education and care service operates. 21
22
23
24
25
26

31K Protection from reprisal continued

To remove any doubt, it is declared that part 14, division 7 of the Law continues to apply in relation to a protected disclosure made before the commencement in relation to the safety, health or wellbeing of a child or children being educated and cared for by a kindergarten learning program. 27
28
29
30
31
32
33

[s 16]

- 31L Continuing obligation about storage of records and documents** 1
2
- (1) This section applies in relation to a record or document that was, immediately before the commencement, required to be kept for a kindergarten learning program under regulation 183 of the national regulations. 3
4
5
6
7
- (2) From the commencement, the chief executive must ensure the record or document is kept in a safe and secure place for the period mentioned in subsection (3) or (4). 8
9
10
11
- (3) If the period mentioned in regulation 183(2)(a), (b), (c) or (g) of the national regulations applied to the record or document immediately before the commencement, the record or document must continue to be kept for that period. 12
13
14
15
16
- (4) If the period mentioned in regulation 183(2)(d), (e) or (f) of the national regulations (a *relevant period*) applied to the record or document immediately before the commencement, the record or document must be kept until the earlier of the following days— 17
18
19
20
21
22
- (a) the day the relevant period ends; 23
- (b) the day that is 3 years after the commencement. 24
25
- 31M Confidentiality obligation in relation to personal information** 26
27
- (1) This section applies to a person who— 28
- (a) is or has been a public service employee in the department; and 29
30
- (b) in that capacity, has gained or has access to personal information— 31
32
- (i) that the approved provider of a kindergarten learning program, that 33
34

-
- was an approved education and care service, was required to keep in a record under the national regulations before the commencement; or
- (ii) that is contained in a record or document to which section 31L applies.
- (2) The person must not disclose the personal information to anyone else other than under this section.
- Maximum penalty—50 penalty units.
- (3) The person may disclose the personal information—
- (a) to the extent necessary for the education and care or medical treatment of the child to whom the information relates; or
- (b) with the consent of the person to whom the information relates or, if the person is a child unable to consent, with the consent of a parent of the child; or
- (c) to the regulatory authority or an authorised officer; or
- (d) as required or permitted by an Act or another law.
- (4) Also, without limiting subsection (3)(d), if the *Education (General Provisions) Act 2006*, section 426 applies in relation to the personal information, the information may be disclosed as permitted under that section.
- (5) In this section—
- disclose*** includes give access to.
- personal information*** means information about a person’s affairs.

[s 17]

31N Transitional regulation-making power	1
(1) A regulation (a <i>transitional regulation</i>) may make provision about a matter for which—	2 3
(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act and the Law as in force before the amendment of this Act by the amendment Act to the operation of this Act and the Law as in force from the commencement; and	4 5 6 7 8 9 10
(b) this Act does not provide or sufficiently provide.	11 12
(2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.	13 14 15
(3) A transitional regulation must declare it is a transitional regulation.	16 17
(4) This section and any transitional regulation expire on the day that is 2 years after the day this section commences.	18 19 20

Part 4	Amendment of Education (General Provisions) Act 2006	21 22
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Division 1	Preliminary	23
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Clause 17	Act amended	24
	This part amends the <i>Education (General Provisions) Act 2006</i> .	25 26
	<i>Note—</i>	27
	See also the amendments in schedule 1, parts 1 and 2.	28

Division 2	Amendments commencing on assent	1 2
Clause 18	Amendment of s 7 (Guiding principles)	3
(1)	Section 7(a), from ‘of choosing’ to ‘environment’—	4
	<i>omit, insert—</i>	5
	for choosing a suitable educational environment	6
(2)	Section 7(b)—	7
	<i>omit, insert—</i>	8
	(b) education should be provided in a way that—	9 10
	(i) provides positive learning experiences for children and young people; and	11 12
	(ii) promotes an inclusive, safe and supportive learning environment for children and young people; and	13 14 15
	(iii) recognises the educational needs of children and young people of all abilities and from all backgrounds; and	16 17 18
	(iv) recognises wellbeing as a foundation of educational engagement and outcomes for children and young people;	19 20 21
(3)	Section 7—	22
	<i>insert—</i>	23
	(da) for chapter 9, part 5, home education of a child or young person should be provided in a way that—	24 25 26
	(i) is in the best interests of the child or young person taking into account their safety and wellbeing; and	27 28 29
	(ii) ensures the child or young person receives a high-quality education;	30 31

[s 19]

- (4) Section 7(da) and (e)— 1
renumber as section 7(e) and (f). 2

Clause 19 Amendment of s 127 (Urgent matters) 3

Section 127— 4

insert— 5

- (6) To remove any doubt, it is declared that giving 6
assistance to a State instructional institution or 7
another association under section 142A is not an 8
urgent matter. 9

**Clause 20 Amendment of s 132 (Use of money received by 10
association) 11**

Section 132— 12

insert— 13

- (c) thirdly, in giving assistance under section 14
142A. 15

Clause 21 Insertion of new s 142A 16

After section 142— 17

insert— 18

**142A Giving assistance to other State instructional 19
institutions or associations 20**

- (1) Nothing in this Act prevents an association 21
formed for a State instructional institution from 22
giving assistance to— 23

- (a) another State instructional institution, if the 24
institution's ability to provide primary, 25
secondary or special education or other 26
educational instruction has been adversely 27
affected by an event; or 28

	<i>Examples of an event—</i>	1
	an accident, a deliberate act, a natural disaster	2
	(b) an association formed for a State instructional institution mentioned in paragraph (a).	3 4 5
	(2) In this section—	6
	<i>assistance</i> includes financial assistance, other resources and services.	7 8
Clause 22	Amendment of s 180 (Notice to principal of non-State school)	9 10
	(1) Section 180, heading, after ‘principal’—	11
	<i>insert—</i>	12
	or governing body	13
	(2) Section 180(1), from ‘by notice’ to ‘ask the principal’—	14
	<i>omit, insert—</i>	15
	by notice given to the principal or the governing body of a non-State school, ask the principal or governing body	16 17 18
	(3) Section 180(1)(b), from ‘, including’ to ‘section 197A’—	19
	<i>omit.</i>	20
	(4) Section 180—	21
	<i>insert—</i>	22
	(3) Also, the chief executive must give the principal of a non-State school a copy of any notice given under subsection (1) to the governing body of the school.	23 24 25 26
	(4) A principal or governing body of a non-State school that is given notice under subsection (1) must give the chief executive the requested information in the way stated in the notice.	27 28 29 30

[s 23]

Clause 23	Replacement of s 206 (Who is eligible for provisional registration or registration)	1 2
	Section 206—	3
	<i>omit, insert—</i>	4
	206 Who is eligible for provisional registration or registration for home education	5 6
	(1) A child is eligible for provisional registration or registration for home education—	7 8
	(a) if the child will be at least 5 years and 6 months on 31 December in the year the application for the child’s provisional registration or registration is made; and	9 10 11 12
	(b) until 31 December in the year the child turns 18.	13 14
	(2) However, a child is not eligible for provisional registration or registration for home education if, at the time the application for the child’s provisional registration or registration is made or at any time after the application is made, the child is enrolled at a State school or non-State school.	15 16 17 18 19 20
Clause 24	Omission of s 229 (Simultaneous enrolment at State school or non-State school prohibited)	21 22
	Section 229—	23
	<i>omit.</i>	24
Clause 25	Amendment of s 229A (Provisional registration or registration ends on 31 December in year child turns 17 years)	25 26 27
	(1) Section 229A, heading—	28
	<i>omit, insert—</i>	29

	229A When provisional registration or registration ends in relation to child’s age	1
		2
(2)	Section 229A(1), ‘17 years’—	3
	<i>omit, insert—</i>	4
	18 years	5
Clause 26	Replacement of s 251AB (Notice to non-State school’s principal)	6
		7
	Section 251AB—	8
	<i>omit, insert—</i>	9
	251AB Notice to principal or governing body of non-State school	10
		11
	(1) The chief executive may, by notice given to the principal or the governing body of a non-State school, ask the principal or governing body for information about decisions made under section 248.	12
		13
		14
		15
		16
	(2) Also, the chief executive must give the principal of a non-State school a copy of any notice given under subsection (1) to the governing body of the school.	17
		18
		19
		20
	(3) A principal or governing body of a non-State school that is given notice under subsection (1) must give the chief executive the requested information in the way stated in the notice.	21
		22
		23
		24
Clause 27	Insertion of new ch 20, pt 11	25
	Chapter 20—	26
	<i>insert—</i>	27

[s 27]

Part 11	Transitional and validation provisions for Education (General Provisions) and Other Legislation Amendment Act 2024	1 2 3 4 5 6
Division 1	Preliminary	7
544 Definitions for part		8
	In this part—	9
	<i>amendment Act</i> means the <i>Education (General Provisions) and Other Legislation Amendment Act 2024</i> .	10 11 12
	<i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement of the provision in which the term is used.	13 14 15 16
	<i>new</i> , for a provision of this Act, means the provision as in force from the commencement of the provision in which the term is used.	17 18 19
Division 2	Provisions for amendments commencing on assent	20 21 22
545 Application of new s 180 to pre-commencement information and decisions—compulsory schooling		23 24 25
	New section 180 applies in relation to information whether the information came into existence, or	26 27

	relates to a decision made under section 189, before or after the commencement.	1 2
546	Child’s eligibility to be provisionally registered or registered for home education	3 4
	From the commencement—	5
	(a) new section 206 applies in relation to a child’s eligibility to be provisionally registered or registered for home education, whether the registration takes effect before or after the commencement; and	6 7 8 9 10
	(b) new section 229A applies in relation to the ending of the child’s registration.	11 12
547	Application of new s 251AB to pre-commencement information and decisions—compulsory participation in education or training	13 14 15 16
	New section 251AB applies in relation to information whether the information came into existence, or relates to a decision made under section 248, before or after the commencement.	17 18 19 20
Division 3	Amendments commencing by proclamation	21 22
Clause 28	Amendment of s 11 (Meaning of <i>basic allocation</i>, <i>remaining allocation</i> etc.)	23 24
	Section 11(5)—	25
	<i>omit, insert</i> —	26
	(5) <i>Basic allocation</i> and <i>remaining allocation</i> do not include—	27 28

[s 29]

	(a) a semester of a State school kindergarten program; or	1 2
	(b) an extra semester granted under chapter 4, part 3; or	3 4
	(c) a further semester granted under chapter 4, part 5.	5 6
	(6) For subsection (3), any period for which a student was enrolled as a kindergarten student is to be disregarded for working out when the student began schooling.	7 8 9 10
	(7) A kindergarten student is not a student to whom subsection (4) applies.	11 12
Clause 29	Amendment of s 13 (Power to establish State schools)	13
	Section 13—	14
	<i>insert—</i>	15
	<i>Note—</i>	16
	A State school kindergarten program may also be provided at a prescribed State school. See section 419A.	17 18
Clause 30	Amendment of s 19 (Consultation)	19
	(1) Section 19(1)—	20
	<i>insert—</i>	21
	(d) if the school is a regional State school and there is a campus association formed for a campus of the school—the campus association.	22 23 24 25
	(2) Section 19(2)—	26
	<i>insert—</i>	27
	(d) if any of the schools is a regional State school and there is a campus association	28 29

	formed for a campus of the school—the	1
	campus association.	2
Clause 31	Amendment of s 50 (State education to be free)	3
(1)	Section 50(1), ‘Subsection (2) applies to’—	4
	<i>omit, insert—</i>	5
	This section applies in relation to	6
(2)	Section 50(1)(b)—	7
	<i>omit, insert—</i>	8
	(b) a person registered in a distance education	9
	kindergarten learning program provided by	10
	a State school;	11
Clause 32	Amendment of s 51 (Power to charge particular persons	12
	or for particular educational services)	13
(1)	Section 51(1)—	14
	<i>omit, insert—</i>	15
	(1) Subsection (3) applies in relation to a person	16
	who—	17
	(a) is receiving, or intends to receive, education	18
	at a State school; and	19
	(b) is not—	20
	(i) an Australian citizen or permanent	21
	resident; or	22
	(ii) a child of an Australian citizen or	23
	permanent resident.	24
(2)	Section 51(2), after ‘applies’—	25
	<i>insert—</i>	26
	in relation	27
(3)	Section 51(3)—	28

[s 33]

omit, insert—

1

(3) The chief executive may charge a fee for the
education of the person at the State school.

2

3

(4) Section 51(8)—

4

omit.

5

Clause 33 Amendment of s 53 (When fee for distance education is not payable)

6

7

(1) Section 53(1)—

8

insert—

9

(ba) the person has made an application for
enrolment at a State school that—

10

11

(i) has been referred to the chief executive
under section 156(2); and

12

13

(ii) has not been dealt with by the chief
executive in a relevant way under
section 163A(3) or withdrawn by the
applicant; or

14

15

16

17

(2) Section 53(1)(f), after ‘section 298’—

18

insert—

19

or 309

20

(3) Section 53(1)(h)(i), ‘paragraph (f)’—

21

omit, insert—

22

paragraph (h)

23

(4) Section 53(1)(ba) to (j)—

24

renumber as section 53(1)(c) to (k).

25

(5) Section 53(2), ‘subsection (1)(c)’—

26

omit, insert—

27

subsection (1)(d)

28

Clause 34	Amendment of s 60 (Basic allocation)	1
	Section 60—	2
	<i>insert—</i>	3
	(2) For subsection (1), any period for which a student was enrolled as a kindergarten student is to be disregarded for working out when the student begins schooling.	4 5 6 7
Clause 35	Amendment of s 76 (Religious instruction in school hours)	8 9
	Section 76(6)—	10
	<i>omit, insert—</i>	11
	(6) This section does not apply in relation to—	12
	(a) a student enrolled in the preparatory year at a State school; or	13 14
	(b) a kindergarten student.	15
Clause 36	Amendment of s 77 (Definitions for ch 6)	16
	(1) Section 77, definition <i>alternative association member</i> , ‘section 88(1)’—	17 18
	<i>omit, insert—</i>	19
	section 88(2)	20
	(2) Section 77, definition <i>elected parent member</i> , paragraph (a)—	21
	<i>omit, insert—</i>	22
	(a) under the constitution of—	23
	(i) an association formed for the school; or	24
	(ii) if the school is a regional State school—a campus association formed for a campus of the school; or	25 26 27

[s 37]

Clause 37	Amendment of s 85 (Official members)	1
	Section 85(1)(b), from ‘the school’ to ‘president’—	2
	<i>omit, insert—</i>	3
	the school or, for a regional State school, there is	4
	a campus association formed for a campus of the	5
	school—the president of the association or	6
	campus association	7
Clause 38	Amendment of s 88 (Alternative association member)	8
(1)	Section 88, before subsection (1)—	9
	<i>insert—</i>	10
	(1AA) This section applies in relation to the president	11
	of—	12
	(a) an association formed for a State school; or	13
	(b) a campus association formed for a campus	14
	of a regional State school.	15
(2)	Section 88(1), ‘of an association formed for a State school’—	16
	<i>omit, insert—</i>	17
	of the association or campus association	18
(3)	Section 88(2), ‘subsection (1)’—	19
	<i>omit, insert—</i>	20
	subsection (2)	21
(4)	Section 88(1AA) to (3)—	22
	<i>renumber</i> as section 88(1) to (4).	23
Clause 39	Amendment of s 89 (Chairperson)	24
(1)	Section 89(4)(a), after ‘established’—	25
	<i>insert—</i>	26
	or, for a regional State school, a campus	27
	association has been formed for a campus of the	28

	school	1
(2)	Section 89(4)(b), after ‘association’—	2
	<i>insert—</i>	3
	or campus association	4
(3)	Section 89(5), ‘section 88(2)’—	5
	<i>omit, insert—</i>	6
	section 88(3)	7
Clause 40	Amendment of s 94 (Constitution for school council)	8
(1)	Section 94(2)(a)(v), from ‘an association’ to ‘president’—	9
	<i>omit, insert—</i>	10
	an association formed for the school for which the	11
	council is established or, for a regional State	12
	school, there is a campus association formed for a	13
	campus of the school—the way in which the	14
	president of the association or campus association	15
(2)	Section 94(4)(b), from ‘an association’ to ‘constitution’—	16
	<i>omit, insert—</i>	17
	an association formed for the school for which the	18
	council is established or, for a regional State	19
	school, there is a campus association formed for a	20
	campus of the school—are subject to the	21
	provisions of the constitution of the association or	22
	campus association	23
Clause 41	Amendment of s 95 (Amendment of school council’s constitution)	24
	Section 95(4)(a)(ii), from ‘school’ to ‘the association’—	25
	<i>omit, insert—</i>	26
	school or, for a regional State school, there is a	27
	campus association formed for a campus of the	28
		29

[s 42]

	school—the association or campus association	1
Clause 42	Amendment of s 102 (Attendance by proxy)	2
	Section 102(3), definition <i>proxy</i> , after ‘school’—	3
	<i>insert—</i>	4
	or, for a regional State school, the president of a campus association formed for a campus of the school	5 6 7
Clause 43	Amendment of s 109 (Initial constitution)	8
(1)	Section 109(4)—	9
	<i>omit, insert—</i>	10
	(4) Subsection (4A) applies if—	11
	(a) there is an association formed for the school; or	12 13
	(b) for a regional State school—there is a campus association formed for a campus of the school.	14 15 16
	(4A) The president of the association or campus association must, under its constitution, call a special meeting of the association or campus association (the <i>association meeting</i>) for approving the draft constitution.	17 18 19 20 21
(2)	Section 109(5)(a), after ‘for the school’—	22
	<i>insert—</i>	23
	or, for a regional State school, there is no campus association formed for a campus of the school	24 25
(3)	Section 109(6)(a)—	26
	<i>omit, insert—</i>	27
	(a) if there is an association formed for the school or, for a regional State school, there	28 29

	is a campus association formed for a campus	1
	of the school—by secret ballot by a majority	2
	of the members of the association or campus	3
	association attending the association	4
	meeting;	5
(4)	Section 109(6)(b), after ‘school’—	6
	<i>insert—</i>	7
	or, for a regional State school, there is no campus	8
	association formed for a campus of the school	9
(5)	Section 109(7)(a)(i), ‘and the association’—	10
	<i>omit, insert—</i>	11
	or, for a regional State school, there is a campus	12
	association formed for a campus of the school,	13
	and the association or campus association	14
(6)	Section 109(7)(a)(ii), from ‘and the parents’ to ‘the school’—	15
	<i>omit, insert—</i>	16
	or, for a regional State school, there is no campus	17
	association formed for a campus of the school,	18
	and the parents of children attending the school,	19
	or campus,	20
Clause 44	Amendment of s 118 (Formation of parents and citizens association)	21
	Section 118—	22
	<i>insert—</i>	23
	(5) This section does not apply in relation to a State	24
	instructional institution that is a regional State	25
	school.	26
	<i>Note—</i>	27
	For a regional State school, see part 11.	28
		29

[s 45]

Clause 45	Amendment of s 119 (Formation of interim parents and citizens association)	1 2
	Section 119—	3
	<i>insert—</i>	4
	(4) This section does not apply in relation to a State instructional institution that is a regional State school.	5 6 7
	<i>Note—</i>	8
	For a regional State school, see part 11.	9
Clause 46	Amendment of s 122 (Dissolution of an association)	10
	Section 122(a), from ‘formed’—	11
	<i>omit, insert—</i>	12
	formed—	13
	(i) is closed; or	14
	(ii) becomes a regional State school; or	15
Clause 47	Amendment of s 126 (Restriction on who may be a member of executive committee)	16 17
	(1) Section 126—	18
	<i>insert—</i>	19
	(3A) A person is disqualified from becoming or continuing as a member of the executive committee of an association if the person has a conviction, other than a spent conviction, for an indictable offence.	20 21 22 23 24
	(2) Section 126(3A) and (4)—	25
	<i>renumber</i> as section 126(4) and (5).	26
Clause 48	Amendment of s 130 (Subcommittees)	27
	Section 130—	28

insert—

1

- (3) A person is disqualified from becoming or continuing as a member of a subcommittee of an association if the person has a conviction, other than a spent conviction, for an indictable offence.

2
3
4
5

Clause 49 Amendment of s 139 (Regulation may provide for membership)

6
7

Section 139(2)—

8

omit, insert—

9

- (2) Subsection (1) is subject to sections 118 and 154C.

10
11

Clause 50 Insertion of new ch 7, pt 11

12

Chapter 7—

13

insert—

14

**Part 11 Special provisions for
 campus associations**

15
16

Division 1 Preliminary

17

154A Application of part

18

- (1) This part applies if a State instructional institution is a State school that—
- (a) consists of more than 1 campus; and
- (b) is prescribed by regulation to be a school to which this part applies.
- (2) A State school to which this part applies is a *regional State school*.

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22
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24
25

[s 50]

154B Definitions for part	1
In this part—	2
<i>campus association</i> means a parents and citizens association formed for a campus of a regional State school.	3 4 5
<i>head of campus</i> , for a campus of a regional State school, means—	6 7
(a) if the principal is responsible for the day-to-day management of the campus—the principal; or	8 9 10
(b) if the principal is not responsible for the day-to-day management of the campus—the person who is responsible for the day-to-day management of the campus.	11 12 13 14
<i>regional State school</i> see section 154A(2).	15
Division 2	Formation and operation
	of campus associations
	16 17
154C Formation of association for campus of regional State school	18 19
(1) A parents and citizens association may be formed for a campus of a regional State school in the way prescribed by regulation.	20 21 22
(2) The following persons are eligible to be members of a campus association formed for a campus of a regional State school—	23 24 25
(a) a parent of a child who attends classes at the campus;	26 27
(b) a staff member of the school who performs their day-to-day responsibilities at the campus;	28 29 30

-
- (c) an adult, other than a person mentioned in paragraph (a) or (b), who is interested in the welfare of the campus. 1
2
3
- (3) Both of the following persons are members of a campus association formed for a campus of a regional State school— 4
5
6
- (a) the principal of the school; 7
- (b) if the principal is not the head of campus—the head of campus. 8
9
- 154D Formation of interim campus association** 10
- (1) An interim campus association may, within 2 years before the first day of operation of a proposed campus of a regional State school or a proposed regional State school, be formed for the proposed campus of the school in the way prescribed by regulation. 11
12
13
14
15
16
- (2) An adult interested in the welfare of the proposed campus is eligible to be a member of an interim campus association formed for the campus. 17
18
19
- (3) An interim campus association formed for the proposed campus is taken to be a campus association formed for the campus of the school from the start of operation of the campus or school. 20
21
22
23
24
- 154E Objectives of campus association** 25
- The objectives of a campus association are to promote the interests of, and facilitate the development and further improvement of, the campus of the regional State school for which the association is formed. 26
27
28
29
30

[s 50]

154F Functions of campus association	1
(1) A campus association for a campus of a regional State school has the following functions—	2 3
(a) fostering community interest in educational matters;	4 5
(b) trying to bring about closer cooperation between the following persons—	6 7
(i) the children attending the campus;	8
(ii) the parents of the children;	9
(iii) other members of the community;	10
(iv) staff members of the regional State school;	11 12
(c) if asked by the head of campus or of its own volition, giving advice and recommendations to the head of campus or the principal of the school about—	13 14 15 16
(i) issues relating to persons who receive educational instruction at the campus; or	17 18 19
(ii) the general operations and management of the campus;	20 21
(e) giving, or assisting in the giving of, financial or other resources or services for the benefit of persons who receive educational instruction at the campus;	22 23 24 25
(f) performing any other functions, not inconsistent with this Act, as the Minister decides.	26 27 28
(2) In the performance of its functions, a campus association must comply with this Act and any written directions the Minister may give the association about—	29 30 31 32

(a) complying with departmental policies that apply to associations; or	1 2
(b) a matter relevant to the performance of its functions.	3 4
154G Dissolution of campus association	5
A campus association is dissolved—	6
(a) if the campus for which the association is formed is closed; or	7 8
(b) if the regional State school that included the campus for which the association is formed is closed or stops being a regional State school; or	9 10 11 12
(c) if the number of members of the association is 2 or less; or	13 14
(d) in other circumstances prescribed by regulation.	15 16
Division 3 Modified application of chapter	17 18
154H Application of pts 2–10 in relation to campus associations	19 20
(1) Parts 2 to 10, other than section 146, (the <i>relevant provisions</i>) apply in relation to a campus association subject to the modifications provided for under this division.	21 22 23 24
(2) A campus association is an association for the purposes of the relevant provisions.	25 26
(3) Also, an interim campus association is an interim parents and citizens association for the purposes of the relevant provisions.	27 28 29

[s 50]

154I References to State school or State instructional institution	1 2
A reference in the relevant provisions to a State school or State instructional institution for which an association is formed is taken to be a reference to the campus of the regional State school for which the campus association is formed.	3 4 5 6 7
154J References to principal	8
A reference in the relevant provisions to the principal of the State instructional institution for which an association is formed is taken to be a reference to—	9 10 11 12
(a) the principal of the regional State school that includes the campus for which the association is formed; and	13 14 15
(b) if the principal is not the head of campus—the head of campus.	16 17
154K References to relevant staff members for s 126	18 19
A reference in section 126 to a relevant staff member for a State school is, for a campus of a regional State school for which a campus association is formed, taken to be a reference to a staff member of the regional State school who performs their day-to-day responsibilities at the campus.	20 21 22 23 24 25 26
154L Authority of campus association	27
(1) Subsection (2) applies in relation to a campus of a regional State school for which a campus association is formed.	28 29 30
(2) Without derogating from the authority of the head of campus in the person's capacity as the person	31 32

responsible for the day-to-day management of the campus, the campus association may exercise the authority in relation to the campus that is consistent with the functions of an association.

- (3) A campus association must not exercise any authority over—
- (a) the teaching staff of the regional State school who perform their day-to-day responsibilities at the campus; or
 - (b) any other teaching staff of the regional State school; or
 - (c) the control or management of the campus; or
 - (d) the control or management of the regional State school.

Clause 51 Amendment of s 156 (Enrolment)

- (1) Section 156(1), after ‘subsections (1A),’—
insert—
(1B),
- (2) Section 156(1), from ‘if’—
omit, insert—
if—
- (a) the prospective student is entitled under this Act to be enrolled at the school; and
 - (b) for a special school, either—
 - (i) the prospective student is a continuing special school student and the principal is satisfied—
 - (A) the student is a person with a disability; and

[s 51]

- (B) the special school is able to cater for the educational needs of the student; or
- (ii) the chief executive has referred the application back to the principal under section 166(2).
- (3) Section 156—
insert—
- (1B) The principal must not enrol a prospective student in a State school kindergarten program provided at the school unless satisfied—
- (a) the student is a kindergarten age child; and
- (b) it is in the best interests of the prospective student to be enrolled in the program.
- (4) Section 156, after subsection (2)—
insert—
- (2AA) The referral must be made within the period prescribed by regulation.
- (5) Section 156, before subsection (2A)—
insert—
- (2AB) Subsection (2) does not apply if the principal is considering enrolment of the prospective student in a State school kindergarten program provided at the school.
- (6) Section 156(3), from ‘must’—
omit, insert—
- must refer the application to the chief executive to be dealt with under division 3 if—
- (a) the prospective student is a continuing special school student but the principal is not satisfied of either of the matters

mentioned in subsection (1)(b)(i)(A) or (B);	1
or	2
(b) the prospective student is not a continuing special school student.	3 4
(7) Section 156—	5
<i>insert—</i>	6
(4) In this section—	7
<i>continuing special school student</i> means a prospective student who is, at the time an application for enrolment at a special school is made for the student, enrolled at another special school.	8 9 10 11 12
<i>kindergarten age child</i> , in relation to a State school kindergarten program, means a child who will be at least 4 years and 6 months on 31 December in the year proposed for the child's enrolment in the program.	13 14 15 16 17
<i>person with a disability</i> see section 165.	18

Clause 52	Replacement of ss 158 and 159	19
	Sections 158 and 159—	20
	<i>omit, insert—</i>	21
	158 Referral back to principal or show cause notice	22 23
	(1) The chief executive must consider whether the prospective student would, if enrolled at the school, pose an unacceptable risk to the safety or wellbeing of members of the school community.	24 25 26 27
	(2) If the chief executive reasonably believes the prospective student would not pose an unacceptable risk, the chief executive must refer the application back to the principal to be dealt with under section 156.	28 29 30 31 32

[s 53]

- (3) If the chief executive reasonably believes the prospective student would pose an unacceptable risk, the chief executive must give the applicant a notice that complies with section 159 (a *show cause notice*). 1
2
3
4
5
- (4) The chief executive must make the referral, or give the show cause notice, within the period prescribed by regulation. 6
7
8
- (5) If the application is referred back to the principal, section 156(2) does not apply in relation to the application. 9
10
11
- (6) Also, the principal must, within the period prescribed by regulation, tell the applicant that the application has been referred back to the principal. 12
13
14
15

159 Requirements for show cause notice 16

- (1) A show cause notice must state the following matters— 17
18
 - (a) that the chief executive proposes to decide to refuse enrolment of the prospective student at the school (the *proposed action*); 19
20
21
 - (b) the grounds for the proposed action; 22
 - (c) an outline of the facts and circumstances forming the basis for the grounds; 23
24
 - (d) an invitation to the applicant to show within a stated period (the *show cause period*) why the proposed action should not be taken. 25
26
27
- (2) The show cause period must be a period ending at least 14 days after the show cause notice is given to the applicant. 28
29
30

Clause 53 Amendment of s 162 (Refusal of enrolment) 31

- (1) Section 162(2)— 32

-
- omit.* 1
- (2) Section 162— 2
- insert—* 3
- (6) Subsection (6) applies if the chief executive— 4
- (a) has also given the prospective student a 5
show cause notice under section 306 in 6
relation to the student’s attendance at the 7
school; and 8
- (b) decides to exclude the prospective student 9
from the school under section 309. 10
- (7) The chief executive is not required to comply with 11
subsection (3), but must give the principal notice 12
of the decision under section 309. 13
- Note—* 14
- See also section 309(4) and (5). 15
- (3) Section 162(3) to (7)— 16
- renumber* as section 162(2) to (6). 17

- Clause 54 Insertion of new s 163A** 18
- After section 163— 19
- insert—* 20
- 163A Continuing education of particular students 21
pending decision on enrolment** 22
- (1) This section applies if the prospective student— 23
- (a) is of compulsory school age; or 24
- (b) is a young person in the compulsory 25
participation phase. 26
- (2) The chief executive must take reasonable steps to 27
arrange for the prospective student’s access to an 28
educational program that allows the student to 29
continue the student’s education during the 30
period— 31

[s 54]

- (a) starting when the principal refers the application for the student's enrolment to the chief executive under section 156(2); and
- (b) ending when—
- (i) the chief executive deals with the application in a relevant way; or
- (ii) the applicant withdraws the application.
- Note—*
- See also section 310.
- (3) For subsection (2)(b)(i), the chief executive deals with the application in a **relevant way** if any of the following happen—
- (a) the chief executive refers the application back to the principal under section 158(2) or 161(1);
- (b) the chief executive decides to refuse enrolment of the student at the school and gives the student an information notice under section 162;
- (c) if a show cause notice has been given to the student under section 306, the chief executive—
- (i) gives the student notice under section 308 that no further action is to be taken in relation to the show cause notice; or
- (ii) decides to exclude the student from certain State schools or all State schools and gives the student notice under section 309.
- (4) This section does not apply if the prospective student is enrolled at another State school or a non-State school.

Clause 55	Amendment of ch 8, pt 1, div 3, hdg (Enrolment at special schools)	1 2
	Chapter 8, part 1, division 3, heading, ‘Enrolment’—	3
	<i>omit, insert—</i>	4
	Particular enrolments	5
Clause 56	Amendment of s 199 (Home education)	6
	Section 199(2)—	7
	<i>omit.</i>	8
Clause 57	Amendment of s 200 (Child’s exclusion or suspension)	9
	Section 200(1)(b)(ii) and (c)(ii), ‘for the provisional registration, or registration,’—	10 11
	<i>omit, insert—</i>	12
	for the registration	13
Clause 58	Amendment of s 205 (Definitions for pt 5)	14
	Section 205, definition <i>provisional registration</i> , ‘section 207’—	15 16
	<i>omit, insert—</i>	17
	section 212	18
Clause 59	Amendment of s 206 (Who is eligible for provisional registration or registration for home education)	19 20
	Section 206, as inserted by this Act, ‘provisional registration or’—	21 22
	<i>omit.</i>	23

[s 60]

Clause 60	Omission of ch 9, pt 5, div 2 (Applications for provisional registration)	1 2
	Chapter 9, part 5, division 2—	3
	<i>omit.</i>	4
Clause 61	Amendment of s 208 (Procedural requirements for application)	5 6
	Section 208(2)—	7
	<i>omit, insert—</i>	8
	(2) Also, if the child was registered for home education at any time within the 12 months before the application is made, the application must be accompanied by a report—	9 10 11 12
	(a) in the approved form; and	13
	(b) that includes evidence satisfactory to the chief executive that demonstrates the educational progress of the child during the period of the child’s registration.	14 15 16 17
Clause 62	Omission of s 210 (Chief executive must ensure compliance with procedural requirements)	18 19
	Section 210—	20
	<i>omit.</i>	21
Clause 63	Amendment of s 211 (Chief executive may require further information or documents)	22 23
	(1) Section 211(1), ‘28 days’—	24
	<i>omit, insert—</i>	25
	14 days	26
	(2) Section 211(2) and (3)—	27
	<i>omit, insert—</i>	28

	(2) Despite subsection (1), the chief executive may, within the period stated in the notice given to the applicant, decide to extend the stated period to end on a later day (the <i>revised compliance day</i>).	1 2 3 4
	(3) If the chief executive decides to extend the stated period under subsection (2), the chief executive must give the applicant a notice stating the revised compliance day.	5 6 7 8
	(3) Section 211(4), ‘the agreed compliance day’— <i>omit, insert—</i> the revised compliance day	9 10 11
	(4) Section 211(5)— <i>omit.</i>	12 13
Clause 64	Amendment of s 212 (Child taken to be provisionally registered while application decided)	14 15
	Section 212(1), after ‘made’— <i>insert—</i> under section 208	16 17 18
Clause 65	Amendment of s 214 (Steps to be taken after application decided)	19 20
	Section 214(1), from ‘issue’— <i>omit, insert—</i> give the applicant a notice stating the following information—	21 22 23 24
	(a) the child’s name and date of birth;	25
	(b) the name of each applicant;	26
	(c) the address of the child’s usual place of residence;	27 28

[s 66]

	(d) that the child is registered for home education;	1 2
	(e) if, under section 218, the chief executive decides to impose conditions on the registration—the conditions.	3 4 5
Clause 66	Amendment of s 215 (Failure to decide application)	6
	Section 215(1) and (3), ‘90 days’—	7
	<i>omit, insert—</i>	8
	45 days	9
Clause 67	Omission of s 216 (Minimum details to be recorded on certificate of registration)	10 11
	Section 216—	12
	<i>omit.</i>	13
Clause 68	Amendment of s 217 (Standard conditions)	14
	(1) Section 217(1)(b)—	15
	<i>omit, insert—</i>	16
	(b) the educational program used for the child’s home education must—	17 18
	(i) be suitable for the child having regard to the child’s age, ability, aptitude and development; and	19 20 21
	(ii) be consistent with an approved education and training program; and	22 23
	(iii) provide the child with a comprehensive course of study in a diverse range of subjects or learning areas; and	24 25 26
	(iv) include subjects or learning areas that are the study of English and mathematics;	27 28 29

-
- (ba) a parent of the child must give the chief executive a written report— 1
2
- (i) for the period the child is registered for home education; and 3
4
- (ii) in relation to each subject or learning area that is part of the educational program used for the child’s home education; 5
6
7
8
- (2) Section 217(1)(ba) and (c)— 9
renumber as section 217(1)(c) and (d). 10
- (3) Section 217(2), ‘subsection (1)(b)’— 11
omit, insert— 12
subsection (1)(c) 13
- (4) Section 217(2)(c)— 14
omit, insert— 15
- (c) be accompanied by evidence satisfactory to the chief executive that demonstrates the educational progress of the child. 16
17
18
- (5) Section 217— 19
insert— 20
- (3) In this section— 21
approved education and training program means— 22
23
- (a) the national school curriculum (known as the Australian Curriculum)— 24
25
- (i) developed and administered by the Australian Curriculum, Assessment and Reporting Authority established under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Cwlth), section 5; and 26
27
28
29
30
31
- (ii) published on the authority’s website; or 32
-

[s 69]

	(b) a senior subject syllabus for a senior subject; or	1 2
	(c) a vocational education and training course at level 1 or above under the AQF; or	3 4
	(d) a combination of the curriculum, a syllabus or a course mentioned in paragraph (a), (b) or (c).	5 6 7
	<i>senior subject</i> see the E(QCAA) Act, schedule 1.	8
	<i>senior subject syllabus</i> , for a senior subject, means the syllabus for the subject developed by the QCAA and published on its website.	9 10 11
	<i>syllabus</i> see the E(QCAA) Act, schedule 1.	12
Clause 69	Amendment of s 219 (Changing conditions)	13
	(1) Section 219(3) and (4)—	14
	<i>omit, insert—</i>	15
	(3) If the chief executive decides to change the conditions—	16 17
	(a) as soon as practicable after deciding to change the conditions, the chief executive must give the parent an information notice about the decision; and	18 19 20 21
	(b) the change takes effect on the day the information notice is given to the parent.	22 23
	(2) Section 219(5)—	24
	<i>renumber</i> as section 219(4).	25
Clause 70	Omission of s 220 (Replacing certificate of registration)	26
	Section 220—	27
	<i>omit.</i>	28

Clause 71	Omission of s 226 (Return of cancelled certificate of registration to chief executive)	1 2
	Section 226—	3
	<i>omit.</i>	4
Clause 72	Amendment of s 227 (Surrender)	5
	Section 227(3)—	6
	<i>omit.</i>	7
Clause 73	Amendment of s 229A (When provisional registration or registration ends in relation to child’s age)	8 9
	Section 229A, heading, ‘provisional registration or’—	10
	<i>omit.</i>	11
Clause 74	Insertion of new s 274	12
	Before section 275—	13
	<i>insert—</i>	14
	274 Application of part	15
	This part does not apply in relation to a kindergarten student.	16 17
Clause 75	Insertion of new s 279	18
	Before section 280—	19
	<i>insert—</i>	20
	279 Application of part	21
	This part does not apply in relation to a kindergarten student.	22 23

[s 76]

Clause 76	Amendment of s 280 (Definitions for pt 3)	1
	Section 280—	2
	<i>insert—</i>	3
	<i>disability</i> , in relation to a person, see the	4
	<i>Disability Discrimination Act 1992</i> (Cwlth),	5
	section 4.	6
Clause 77	Amendment of s 282 (Grounds for suspension)	7
	(1) Section 282(1)(f)—	8
	<i>omit.</i>	9
	(2) Section 282(2) to (4)—	10
	<i>omit, insert—</i>	11
	(2) Before suspending a student on a ground	12
	mentioned in subsection (1), the principal must	13
	consider the matters prescribed by regulation.	14
	(3) To remove any doubt, it is declared that, for	15
	subsection (1)(c) or (d), conduct may be a ground	16
	for suspension even if the conduct does not	17
	happen on school premises or during school	18
	hours.	19
	(4) It is also a ground for suspension (a	20
	<i>charge-related ground</i>) if—	21
	(a) the student is charged with a serious	22
	offence; or	23
	(b) both of the following apply—	24
	(i) the student is charged with an offence	25
	other than a serious offence;	26
	(ii) the principal is reasonably satisfied it	27
	would not be in the best interests of	28
	other students or of staff for the student	29
	to attend the school while the charge is	30
	pending.	31

Clause 78	Amendment of s 283 (Duration and notice of suspension)	1
	Section 283(2) to (4)—	2
	<i>omit, insert—</i>	3
	(2) The principal must tell the student about the suspension.	4
	(3) The suspension starts when the principal tells the student about the suspension.	5
	(4) The principal must give the student a notice about the suspension within the period prescribed by regulation.	6
	(5) The notice must—	7
	(a) be in the approved form; and	8
	(b) if the student has the right to make a written submission against the suspension to the chief executive under section 285—state the student’s right under that section.	9
		10
		11
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		15
		16
Clause 79	Replacement of ss 285 and 286	17
	Sections 285 and 286—	18
	<i>omit, insert—</i>	19
	285 Submission against suspension	20
	(1) A student may make a written submission against the suspension of the student—	21
	(a) for a period of more than 10 school days under section 283(1)(b); or	22
	(b) on a charge-related ground under section 283(1)(c).	23
	(2) A student may also make a written submission against the short suspension of the student if—	24
	(a) the student has received at least 1 short suspension earlier in the school year (an <i>earlier short suspension</i>); and	25
		26
		27
		28
		29
		30
		31

[s 79]

- (b) the total period of the current short suspension and all earlier short suspensions in the school year is at least 11 school days. 1
2
3
- (3) For calculating the period of school days for subsection (2)(b), it does not matter if the student's short suspensions are from more than 1 State school. 4
5
6
7
- (4) The submission must— 8
- (a) be made to the chief executive; and 9
- (b) state fully the grounds for the submission and the facts relied on; and 10
11
- (c) be made within the period prescribed by regulation. 12
13
- Note—* 14
- See also section 331. 15
- (5) In this section— 16
- short suspension* means suspension for a period of not more than 10 school days under section 283(1)(a). 17
18
19

286 Dealing with submission against suspension 20

- (1) This section applies if a submission is made to the chief executive under section 285. 21
22
- (2) The chief executive must, as soon as practicable after receiving the submission, but within the period prescribed by regulation— 23
24
25
- (a) review the principal's decision to suspend the student; and 26
27
- (b) decide to— 28
- (i) confirm the decision; or 29
- (ii) vary the decision; or 30

	(iii) set aside the decision and substitute another decision.	1 2
	(3) The chief executive must, as soon as practicable after making the decision, but within the period prescribed by regulation, tell the student and the principal—	3 4 5 6
	(a) about the decision; and	7
	(b) when the student may resume attendance at the school.	8 9
	(4) Also, the chief executive must give the student and the principal a notice in the approved form about the decision as soon as practicable after telling each of them, but within the period prescribed by regulation.	10 11 12 13 14
Clause 80	Replacement of s 288 (Principal must decide whether to exclude student after charge dealt with)	15 16
	Section 288—	17
	<i>omit, insert—</i>	18
	288 Principal must decide whether to exclude student after charge dealt with	19 20
	(1) After the charge is dealt with, the principal must decide whether to propose to exclude the student from the school under section 293.	21 22 23
	<i>Note—</i>	24
	The principal may propose to exclude the student on a ground mentioned in section 292(1) or (4).	25 26
	(2) The decision must be made within the period prescribed by regulation.	27 28
	(3) Subsections (4) and (5) apply if the principal decides not to propose to exclude the student.	29 30
	(4) The principal must, within the period prescribed by regulation, tell the student about the decision and that the suspension has ended.	31 32 33

[s 81]

	(5) The principal must also, within the period prescribed by regulation, give the student a notice in the approved form about the decision.	1 2 3
Clause 81	Amendment of s 289 (Principal may decide to end suspension before charge dealt with)	4 5
	Section 289(3) and (4)—	6
	<i>omit, insert—</i>	7
	(3) The principal must, within the period prescribed by regulation, tell the student about the decision and that the suspension has ended.	8 9 10
	(4) The principal must also, within the period prescribed by regulation, give the student a notice in the approved form about the decision.	11 12 13
Clause 82	Amendment of ch 12, pt 3, div 2, sdiv 3, hdg (Chief executive’s powers)	14 15
	Chapter 12, part 3, division 2, subdivision 3, heading, after ‘powers’—	16 17
	<i>insert—</i>	18
	and delegation of particular matters by principal	19 20
Clause 83	Insertion of new s 290A	21
	After section 290—	22
	<i>insert—</i>	23
	290A Principal may delegate function of telling students about suspension decision	24 25
	The principal of a State school may delegate a function under section 283(2), 288(4) or 289(3) to an appropriately qualified teacher at the school who assists the principal with the management of the school.	26 27 28 29 30

	<i>Examples of a teacher who assists the principal with the management of the school—</i>	1 2
	the head of a primary or secondary school, a deputy principal	3 4
Clause 84	Amendment of s 292 (Grounds for exclusion)	5
	(1) Section 292—	6
	<i>insert—</i>	7
	(1A) Before excluding a student on a ground mentioned in subsection (1), the principal must consider the matters prescribed by regulation.	8 9 10
	(1B) To remove any doubt, it is declared that, for subsection (1)(c) or (d), conduct may be a ground for exclusion even if the conduct does not happen on school premises or during school hours.	11 12 13 14
	(2) Section 292(3)—	15
	<i>omit.</i>	16
	(3) Section 292(1A) to (2)—	17
	<i>renumber</i> as section 292(2) to (4).	18
Clause 85	Replacement of s 293 (Suspension pending final decision about exclusion)	19 20
	Section 293—	21
	<i>omit, insert—</i>	22
	293 Proposed exclusion and suspension pending exclusion	23 24
	(1) This section applies if the principal of a State school proposes to exclude a student under this division.	25 26 27
	(2) The principal must—	28
	(a) tell the student about the proposed exclusion; and	29 30

[s 85]

- (b) either— 1
 - (i) if the student is already 2
suspended—tell the student that the 3
suspension continues until the principal 4
makes a final decision about the 5
proposed exclusion; or 6
 - (ii) if the student is not already 7
suspended—suspend the student, and 8
tell the student that the student is 9
suspended until the principal makes a 10
final decision about the proposed 11
exclusion. 12
- (3) If the student is already suspended, the student’s 13
suspension— 14
 - (a) is continued when the principal tells the 15
student the suspension is continued under 16
subsection (2)(b)(i); and 17
 - (b) ends when the principal makes a final 18
decision about the proposed exclusion. 19
- (4) If the student is not already suspended, the 20
student’s suspension— 21
 - (a) starts when the principal tells the student 22
about the suspension under subsection 23
(2)(b)(ii); and 24
 - (b) ends when the principal makes a final 25
decision about the proposed exclusion. 26
- (5) Also, the principal must, within the period 27
prescribed by regulation, give the student a notice 28
about the proposed exclusion and suspension. 29
- (6) The notice must— 30
 - (a) be in the approved form; and 31
 - (b) state whether the principal proposes to 32
exclude the student for a stated period of not 33
more than 1 year or permanently. 34

Clause 86	Replacement of s 295 (Final decision about exclusion)	1
	Section 295—	2
	<i>omit, insert—</i>	3
	295 Final decision about exclusion	4
	(1) The principal of a State school must make a final decision about the exclusion of a student within the period prescribed by regulation.	5 6 7
	(2) If the principal decides not to exclude the student, the principal must, within the period prescribed by regulation, tell the student—	8 9 10
	(a) about the decision; and	11
	(b) that the suspension has ended; and	12
	(c) that the student may resume attendance at the school.	13 14
	(3) The principal must also, within the period prescribed by regulation, give the student a notice in the approved form about the decision.	15 16 17
	(4) If the principal decides to exclude the student, the principal must exclude the student—	18 19
	(a) for a period of not more than 1 year; or	20
	(b) permanently.	21
	(5) However, the exclusion must not be longer than the period stated in the notice given to the student under section 293(5).	22 23 24
	(6) The principal must, within the period prescribed by regulation, give the student a notice in the approved form about the exclusion.	25 26 27
	(7) The notice must state—	28
	(a) that the student may make a written submission to the chief executive asking the chief executive to review the decision under division 6; and	29 30 31 32

[s 87]

	(b) if the student is excluded permanently—that the student may make a periodic written submission to the chief executive under division 7.	1 2 3 4
Clause 87	Amendment of s 299 (Grounds for exclusion)	5
	(1) Section 299—	6
	<i>insert—</i>	7
	(1A) Before excluding a student on a ground mentioned in subsection (1), the chief executive must consider the matters prescribed by regulation.	8 9 10 11
	(1B) To remove any doubt, it is declared that, for subsection (1)(c) or (d), conduct may be a ground for exclusion even if the conduct does not happen on school premises or during school hours.	12 13 14 15
	(2) Section 299(3)—	16
	<i>omit.</i>	17
	(3) Section 299(1A) to (2)—	18
	<i>renumber</i> as section 299(2) to (4).	19
Clause 88	Replacement of s 300 (Suspension pending final decision about exclusion)	20 21
	Section 300—	22
	<i>omit, insert—</i>	23
	300 Proposed exclusion and suspension pending exclusion	24 25
	(1) This section applies if the chief executive proposes to exclude a student under this division.	26 27
	(2) The chief executive must—	28
	(a) tell the student about the proposed exclusion; and	29 30

-
- (b) either— 1
- (i) if the student is already suspended or 2
excluded from a relevant school—tell 3
the student that the suspension or 4
exclusion from the school continues 5
until the chief executive makes a final 6
decision about the proposed exclusion; 7
or 8
- (ii) if the student is not already suspended 9
or excluded from a relevant 10
school—suspend the student, and tell 11
the student that the student is 12
suspended from the school until the 13
chief executive makes a final decision 14
about the proposed exclusion. 15
- (3) If the student is already suspended or excluded, 16
the student’s suspension or exclusion— 17
- (a) is continued when the chief executive tells 18
the student the suspension or exclusion is 19
continued under subsection (2)(b)(i); and 20
- (b) ends when the chief executive makes a final 21
decision about the proposed exclusion under 22
this division. 23
- (4) If the student is not already suspended or 24
excluded, the student’s suspension— 25
- (a) starts when the chief executive tells the 26
student about the suspension under 27
subsection (2)(b)(ii); and 28
- (b) ends when the chief executive makes a final 29
decision about the proposed exclusion under 30
this division. 31
- (5) Also, the chief executive must give the student a 32
notice about the proposed exclusion and 33
suspension. 34
- (6) The notice must— 35

[s 89]

	(a) be in the approved form; and	1
	(b) state whether the chief executive proposes to exclude the student—	2 3
	(i) for a stated period of not more than 1 year or permanently; and	4 5
	(ii) from certain State schools, stated in the notice, or all State schools.	6 7
	(7) In this section—	8
	<i>relevant school</i> means a State school that the chief executive is proposing to exclude the student from under this division.	9 10 11
Clause 89	Replacement of s 302 (Final decision about exclusion)	12
	Section 302—	13
	<i>omit, insert—</i>	14
	302 Final decision about exclusion	15
	(1) The chief executive must make a final decision about exclusion within 30 school days after giving the student a notice under section 300(5).	16 17 18
	(2) If the chief executive decides not to exclude the student, the chief executive must, as soon as practicable, tell the student—	19 20 21
	(a) about the decision; and	22
	(b) that the suspension has ended; and	23
	(c) unless the student has been excluded under section 295(4)—that the student may resume attendance at the school where the student was enrolled on the day of the suspension.	24 25 26 27 28
	(3) As soon as practicable after telling the student about the decision, the chief executive must also give the student a notice in the approved form about the decision.	29 30 31 32

(4)	If the chief executive decides to exclude the student, the chief executive must exclude the student—	1 2 3
(a)	for a period of not more than 1 year; or	4
(b)	permanently.	5
	<i>Note—</i>	6
	See chapter 15, part 4 for review of the decision by QCAT.	7 8
(5)	However, the exclusion must not be longer than the period stated in the notice given to the student under section 300(5).	9 10 11
(6)	As soon as practicable after deciding to exclude the student, the chief executive must give the student a notice in the approved form about the exclusion.	12 13 14 15
(7)	The notice must state—	16
(a)	that the student may make a written submission to the chief executive asking the chief executive to review the decision under division 6; and	17 18 19 20
(b)	if the student is excluded permanently—that the student may make a periodic written submission to the chief executive under division 7.	21 22 23 24
(8)	Also, if the chief executive decides to exclude the student from all State schools, the notice must comply with the QCAT Act, section 157(2).	25 26 27
Clause 90	Amendment of s 309 (Exclusion)	28
(1)	Section 309(2)— <i>omit.</i>	29 30
(2)	Section 309(3) to (6)— <i>renumber</i> as section 309(2) to (5).	31 32

[s 91]

Clause 91	Replacement of ss 316–318	1
	Sections 316 to 318—	2
	<i>omit, insert—</i>	3
	316 Application of division	4
	This division applies in relation to a student enrolled at a State school who is no longer of compulsory school age.	5 6 7
	317 Notice of proposed cancellation	8
	(1) The principal of the State school may propose to cancel the student’s enrolment if the principal is reasonably satisfied the student’s behaviour amounts to a refusal to participate in the educational program provided at the school.	9 10 11 12 13
	(2) The principal must give the student a notice (a <i>show cause notice</i>) that states the following matters—	14 15 16
	(a) that the principal proposes to cancel the student’s enrolment;	17 18
	(b) that the ground for the cancellation is that the student’s behaviour amounts to a refusal to participate in the educational program provided at the school;	19 20 21 22
	(c) an outline of the facts and circumstances forming the basis for the ground;	23 24
	(d) an invitation to the student to show within a stated period (the <i>show cause period</i>) why the student’s enrolment should not be cancelled.	25 26 27 28
	(3) The show cause period must be at least the period prescribed by regulation.	29 30

318 Representations about show cause notice	1
(1) The student may make written representations about the show cause notice to the principal in the show cause period.	2 3 4
(2) The principal must consider all written representations made under subsection (1) (<i>accepted representations</i>).	5 6 7
318A Ending show cause process without further action	8 9
(1) This section applies if, after considering any accepted representations for the show cause notice, the principal is no longer reasonably satisfied the student's behaviour amounts to a refusal to participate in the educational program provided at the school.	10 11 12 13 14 15
(2) The principal—	16
(a) must not take further action about the show cause notice; and	17 18
(b) must, as soon as practicable, give the student notice that no further action is to be taken about the show cause notice.	19 20 21
318B Cancellation of enrolment	22
(1) This section applies if, after considering any accepted representations for the show cause notice, the principal is reasonably satisfied the student's behaviour amounts to a refusal to participate in the educational program provided at the school.	23 24 25 26 27 28
(2) The principal may cancel the student's enrolment.	29
(3) If the principal decides to cancel the student's enrolment, the principal must give the student a notice in the approved form about the cancellation	30 31 32

[s 92]

	stating—	1
	(a) that an application for the enrolment of the student at the school can not be made for a stated period of not more than 12 months after the giving of the notice; and	2 3 4 5
	(b) that the student may make a written submission against the cancellation to the chief executive within the period prescribed by regulation or, if the notice states a longer period for making the submission, the longer period.	6 7 8 9 10 11
	(4) An application for the enrolment of the student at the school can not be made during the period stated in the notice.	12 13 14
	(5) If the principal decides not to cancel the student's enrolment, the principal must give the student notice that no further action is to be taken about the show cause notice.	15 16 17 18
Clause 92	Amendment of s 319 (Submission against cancellation)	19
	(1) Section 319(1), 'section 316(1)'—	20
	<i>omit, insert—</i>	21
	section 318B(2)	22
	(2) Section 319(2), after 'cancellation'—	23
	<i>insert—</i>	24
	to the chief executive	25
	(3) Section 319(2), note—	26
	<i>omit.</i>	27
	(4) Section 319(3)—	28
	<i>omit, insert—</i>	29
	(3) The submission must—	30

	(a) state fully the grounds for the submission and the facts relied on; and	1 2
	(b) be made within the period prescribed by regulation or, if the notice under section 318B(3) states a longer period for making the submission, the longer period.	3 4 5 6
	<i>Note—</i>	7
	See also section 331.	8
Clause 93	Replacement of s 320 (Dealing with submission against cancellation)	9 10
	Section 320—	11
	<i>omit, insert—</i>	12
	320 Dealing with submission against cancellation	13
	(1) This section applies if a submission is made to the chief executive under section 319(2).	14 15
	(2) The chief executive must, within the period prescribed by regulation—	16 17
	(a) review the principal’s decision to cancel the enrolment; and	18 19
	(b) decide to—	20
	(i) confirm the decision; or	21
	(ii) vary the decision; or	22
	(iii) set aside the decision and substitute another decision.	23 24
	(3) The chief executive must, within the period prescribed by regulation, tell the student and the principal—	25 26 27
	(a) about the decision; and	28
	(b) when the student may make an application for enrolment at the school.	29 30
	(4) The chief executive must also, within the period	31

[s 94]

	prescribed by regulation, give the student and the principal a notice in the approved form about the decision.	1 2 3
Clause 94	Insertion of new ch 12, pt 3, div 8A	4
	Chapter 12, part 3—	5
	<i>insert—</i>	6
	Division 8A Student support plans	7
	321 Policy about student support plans	8
	(1) The chief executive must make a policy under this section to provide for the making, by principals of State schools, of student support plans for students—	9 10 11 12
	(a) who—	13
	(i) have been suspended from a State school; or	14 15
	(ii) are at risk of being excluded from a State school; and	16 17
	(b) who are—	18
	(i) Aboriginal students or Torres Strait Islander students; or	19 20
	(ii) students enrolled in the preparatory year; or	21 22
	(iii) students with disability.	23
	(2) A <i>student support plan</i> is a written plan for a student mentioned in subsection (1) that is designed to reduce the likelihood of further suspension or exclusion of the student.	24 25 26 27
	(3) A student support plan must state the following matters—	28 29

-
- (a) the behaviour that resulted in the student being suspended, or could result in the student being excluded, including a summary of relevant incidents; 1
2
3
4
- (b) the needs of the student, and other circumstances, that may be contributing to the student's behaviour; 5
6
7
- (c) strategies and support designed to— 8
- (i) improve the behaviour mentioned in paragraph (a); and 9
10
- (ii) protect the safety and wellbeing of members of the school community. 11
12
- (4) The policy must state— 13
- (a) the circumstances in which the principal of a State school must make a student support plan for a student mentioned in subsection (1), including, for example, any minimum number of suspensions, or period of suspension, required before a student support plan must be made for a student; and 14
15
16
17
18
19
20
21
- (b) the students mentioned in subsection (1)(b)(iii) for whom the principal of a State school must make a student support plan, including, for example, with reference to— 22
23
24
25
- (i) different types of disability; or 26
- (ii) how relevant a student's disability is to the behaviour that resulted in the student being suspended or that could result in the student being excluded. 27
28
29
30
- Note—* 31
- See also section 322. 32
- (5) The chief executive must ensure the policy is available for public inspection, without charge— 33
34

[s 94]

- (a) during normal business hours at the department's head office; and
- (b) on the department's website.
- (6) To remove any doubt, it is declared that nothing in this section, or a policy made under this section, limits or affects the exercise of a power by the principal of a State school, or the chief executive, to suspend or exclude a student from a State school under this Act.

322 Additional matters for policy about student support plans

- (1) The policy made under section 321 must provide for the following matters—
 - (a) the involvement of the following persons in the making of a student support plan, including circumstances when it would be inappropriate to involve the person—
 - (i) the student for whom the plan is made;
 - (ii) if the student is a child—a parent of the student;
 - (b) the subsequent review of a student support plan by the principal who made the plan;
 - (c) the duration of a student support plan and circumstances when a plan is no longer required;
 - (d) any action that must be taken when making a student support plan for a relevant student with disability to ensure compliance with the *Disability Standards for Education 2005* (Cwlth).
- (2) The policy may also provide for the following matters—

-
- (a) the form of a student support plan, including, for example, different forms for a plan depending on a student’s history of suspension;
- (b) the review of a student support plan by the chief executive, including when a review is required and the purpose of the review;
- (c) the period within which a student support plan must be made;
- (d) any other matters the chief executive considers appropriate.
- (3) In this section—
- relevant student with disability* means a student with disability for whom a student support plan must be made under the policy under section 321.

323 Anti-Discrimination Act 1991—student support plans

To remove any doubt, it is declared that it is not unlawful discrimination on the basis of age or race for the *Anti-Discrimination Act 1991*—

- (a) for the principal of a State school to refuse to make a student support plan for a person because the person is not a student mentioned in section 321(1)(b)(i) or (ii); or
- (b) for the principal of a State school, the chief executive or any other person to refuse to do another act in relation to a student support plan for a person because the person is not a student mentioned in section 321(1)(b)(i) or (ii).

	contain the following information—	1
	(a) information to help principals, students and other persons comply with their obligations under this Act and other relevant laws;	2 3 4
	(b) information about the department's processes and resources designed to engage with and support students and parents before, during and after processes under this Act;	5 6 7 8 9
	(c) information to help principals exercise suspension, exclusion and cancellation of enrolment powers under this Act.	10 11 12
	<i>Examples—</i>	13
	• information to help a principal assess risk as required by this Act	14 15
	• practical examples to help a principal decide whether to suspend a student in light of the matters prescribed under section 282(2)	16 17 18
	(3) The chief executive must ensure the policy is available for public inspection, without charge—	19 20
	(a) during normal business hours at the department's head office; and	21 22
	(b) on the department's website.	23
Clause 97	Amendment of s 335 (Definitions for pt 5)	24
	(1) Section 335, definition <i>exempt person</i> , paragraph (b)—	25
	<i>omit.</i>	26
	(2) Section 335, definition <i>exempt person</i> , paragraphs (c) and (d)—	27 28
	<i>renumber</i> as paragraphs (b) and (c).	29
Clause 98	Amendment of s 360 (Development of dress code)	30
	(1) Section 360—	31

[s 99]

insert—

(2A) However, the dress code must not provide for the standards of what is acceptable in relation to the clothing or other aspects of personal presentation of kindergarten students enrolled at the school.

(2) Section 360(2A) to (4)—

renumber as section 360(3) to (5).

Clause 99 Amendment of s 364 (Definitions for pt 10)

Section 364, definition *relevant person*, from ‘366(1)(a)’—

omit, insert—

366(1)(a) or (b) or 366A(1)(a) or (b).

Clause 100 Amendment of s 365 (Obligation to report sexual abuse of person under 18 years at State school)

Section 365(1)(b)—

omit, insert—

(b) a child registered in a distance education kindergarten learning program at the school;

Clause 101 Amendment of s 365A (Obligation to report likely sexual abuse of person under 18 years at State school)

Section 365A(1)(b)—

omit, insert—

(b) a child registered in a distance education kindergarten learning program at the school;

Clause 102 Amendment of s 366 (Obligation to report sexual abuse of person under 18 years at non-State school)

(1) Section 366(1)(b)—

omit.

	(2) Section 366(1)(c)—	1
	<i>renumber</i> as section 366(1)(b).	2
Clause 103	Amendment of s 366A (Obligation to report likely sexual abuse of person under 18 years at non-State school)	3
	(1) Section 366A(1)(b)—	4
	<i>omit.</i>	5
	(2) Section 366A(1)(c)—	6
	<i>renumber</i> as section 366A(1)(b).	7
Clause 104	Amendment of ch 14, hdg (Transfer notes)	8
	Chapter 14, heading, after ‘notes’—	9
	<i>insert—</i>	10
	and related matters	11
Clause 105	Replacement of ch 14, pts 1 and 2	12
	Chapter 14, parts 1 and 2—	13
	<i>omit, insert—</i>	14
	Part 1 Preliminary	15
	383 Definitions for chapter	16
	In this chapter—	17
	<i>former student</i> see sections 385(1)(a) and 386(1)(c).	18
	<i>related document</i> , in relation to a transfer note, means a document mentioned in the transfer note.	19
	<i>transfer note</i> , for a student or former student of a State school or non-State school, see section 384.	20
		21
		22
		23
		24

[s 105]

384 Meaning of <i>transfer note</i>	1
(1) A <i>transfer note</i> , for a student or former student of a State school or non-State school, is a document in the approved form that includes the following information, including personal information, about the student or former student—	2 3 4 5 6
(a) information of a type prescribed by regulation;	7 8
(b) any information required to be included under section 388C(2).	9 10
(2) The information included in a transfer note must be factual, objective and succinct.	11 12
(3) In this section— <i>personal information</i> see section 426(6).	13 14

Part 2	Transfer notes and transfer of records	15 16
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Division 1	Requests for transfer notes on cessation of enrolment	17 18 19
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385 Request by parent of former student or former student	20 21
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(1) This section applies if—	22
(a) the enrolment of a student (the <i>former student</i>) at a State school or non-State school is ceased at the request of—	23 24 25
(i) if the student is a child—a parent of the student; or	26 27

(ii) if the student is an adult—the student; and	1 2
(b) when the request to cease the enrolment is made, the person making the request asks the principal of the school for a transfer note for the former student.	3 4 5 6
(2) The principal of the school must, within 10 school days after receiving the request—	7 8
(a) prepare a transfer note for the former student; and	9 10
(b) give the person making the request the transfer note and a copy of any related documents.	11 12 13
386 Request by former student in particular circumstances	14 15
(1) This section applies if—	16
(a) a student of a State school or non-State school is a child; and	17 18
(b) the principal of the school is reasonably satisfied it would be inappropriate in the circumstances for a parent of the student to—	19 20 21 22
(i) request that the student’s enrolment cease; or	23 24
(ii) receive a transfer note for the student and a copy of any related documents; and	25 26 27
<i>Example—</i>	28
It may be inappropriate for a parent of a student to request that the student’s enrolment cease, or to receive a transfer note for the student and a copy of any related documents, if the student is living independently of the student’s parents.	29 30 31 32 33

[s 105]

(c)	the enrolment of the student (the <i>former student</i>) is ceased at the request of the student; and	1 2 3
(d)	when the request to cease the enrolment is made, the former student asks the principal for a transfer note for the student.	4 5 6
(2)	The principal of the school must, within 10 school days after receiving the request—	7 8
(a)	prepare a transfer note for the former student; and	9 10
(b)	give the former student the transfer note and a copy of any related documents.	11 12
Division 2	Requests for transfer notes after enrolment at new school	13 14 15
387 Purpose of division		16
	The purpose of giving the principal of a State school or non-State school a transfer note for a student mentioned in section 388 is to provide information to the principal to help the principal—	17 18 19 20 21
(a)	ensure continuity of the student’s educational program; and	22 23
(b)	meet the principal’s duty of care obligations in relation to the following persons—	24 25
(i)	the student;	26
(ii)	the members of the school community.	27
388 Application of division		28
	This division applies if—	29

-
- (a) the enrolment of a student at a State school or non-State school (the *previous school*) is to continue at another State school or non-State school (in either case the *new school*); and
- (b) the principal of the new school does not have information of the type mentioned in section 384(1)(a) in relation to the student.

388A Definitions for division

- In this division—
- former school*, in relation to a student enrolled at a new school—
- (a) means any State school or non-State school at which the student was enrolled within the 12-month period before being enrolled at the new school; but
- (b) does not include the student’s previous school.
- new school* see section 388(a).
- previous school* see section 388(a).

388B Principal of new school to ask for transfer note

- (1) Within 90 days after the day the student is enrolled at the new school, the principal of the new school—
- (a) must ask the principal of the previous school to prepare a transfer note for the student; and
- (b) may ask the principal of a former school to prepare a transfer note for the student.
- (2) When making a request under subsection (1), the

[s 105]

- principal of the new school must give notice of the request to— 1
2
- (a) if the student is a child—a parent of the student; or 3
4
- (b) if the student is an adult—the student. 5
- (3) However, if the student is a child and the principal is reasonably satisfied it would be inappropriate in the circumstances to give notice of the request to a parent of the student— 6
7
8
9
- (a) subsection (2)(a) does not apply; and 10
- (b) the principal must give notice of the request to the student. 11
12
- Example—* 13
- It may be inappropriate to give notice of the request to a parent of the student if the student is living independently of the student’s parents. 14
15
16

388C Principal of previous school or former school to prepare transfer note 17
18

- (1) Within 10 school days after receiving a request under section 388B(1), the principal of the previous school, or of a former school, must— 19
20
21
- (a) prepare a transfer note for the student; and 22
- (b) give the principal of the new school the transfer note and a copy of any related documents. 23
24
25
- (2) The principal of the previous school, or of the former school, must include in the transfer note any information about the student that the principal reasonably believes is necessary to help the principal of the new school protect the safety and wellbeing of the following persons— 26
27
28
29
30
31
- (a) the student; 32
- (b) the members of the school community. 33

388D Principal of new school to give copy of transfer note	1 2
(1) A person who is given notice under section 388B(2) or (3)(b) may ask the principal of the new school for a copy of any transfer note mentioned in the notice.	3 4 5 6
(2) If the principal of the new school receives a request under subsection (1), the principal must give the person making the request a copy of the transfer note and of any related documents within 10 school days after the later of the following days—	7 8 9 10 11 12
(a) the day the principal of the new school receives the transfer note and a copy of any related documents from the principal of the previous school or former school;	13 14 15 16
(b) the day the principal of the new school receives the request under subsection (1).	17 18
Division 3 Transfer of records between State schools	19 20
388E Transfer of records not prevented	21
(1) This section applies if—	22
(a) the enrolment of a student at a State school (the <i>first school</i>) has ceased; and	23 24
(b) the student is enrolled at another State school (the <i>second school</i>).	25 26
(2) This part does not prevent the principal of the first school transferring records relating to the student to the principal of the second school.	27 28 29

[s 106]

Clause 106	Amendment of s 391 (Application for review)	1
	Section 391(1)(a) and (b)—	2
	<i>omit, insert—</i>	3
	(a) if the person is given an information notice about the decision—	4
	(i) for a decision made under chapter 9, part 5—within 45 days after the person is given the notice; or	5
	(ii) for another decision—within 30 school days after the person is given the notice; or	6
	(b) otherwise—	7
	(i) for a decision under chapter 9, part 5—within 45 days after the person becomes aware of the decision; or	8
	(ii) for another decision—within 30 school days after the person becomes aware of the decision.	9
		10
		11
		12
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		14
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		18
Clause 107	Amendment of s 392 (Review decision)	19
	(1) Section 392(2)—	20
	<i>omit, insert—</i>	21
	(2) The chief executive must review the original decision and make a review decision—	22
	(a) if the application relates to an original decision made under chapter 9, part 5—within 60 days after the application is made; or	23
	(b) otherwise—within 40 school days after the application is made.	24
		25
		26
		27
		28
		29
	(2) Section 392—	30
	<i>insert—</i>	31

	(6) In this section—	1
	<i>review decision</i> , in relation to an original decision, means a decision—	2
	(a) confirming the original decision; or	3
	(b) amending the original decision; or	4
	(c) substituting another decision for the original decision.	5
Clause 108	Replacement of ch 19, pt 1 (Kindergarten learning program)	6
	Chapter 19, part 1—	7
	<i>omit, insert—</i>	8
	Part 1 State school kindergarten program	9
	Division 1 Approval of program by Minister and enrolment of kindergarten students	10
	419A State school kindergarten program	11
	(1) The Minister may approve a program that is designed to promote the social and emotional wellbeing of children, and their physical and cognitive development, in the year immediately before the preparatory year to be a <i>State school kindergarten program</i> .	12
	(2) The State may provide a State school kindergarten program to kindergarten age children at a State school prescribed by regulation (a <i>prescribed State school</i>).	13
	(3) In this section—	14

[s 108]

kindergarten age child, in relation to a State school kindergarten program, means a child who will be at least 4 years and 6 months on 31 December in the year proposed for the child's enrolment in the program.

419B Kindergarten students

- (1) A child who is enrolled in a State school kindergarten program provided at a prescribed State school is a *kindergarten student*.
- (2) A parent of a child who wishes to enrol the child in a State school kindergarten program provided at a prescribed State school must make an application, under section 155, for the enrolment of the child at the school.
- (3) To remove any doubt, it is declared that—
 - (a) a kindergarten student is a student of the State school that provides the State school kindergarten program to the student; and
 - (b) as a student enrolled at the State school, the kindergarten student may be enrolled in the preparatory year, if entitled to be enrolled in the preparatory year under this Act, without a further application for enrolment.

Division 2 Offences and other matters

419C Kindergarten students must be adequately supervised

The principal of a prescribed State school that provides a State school kindergarten program must ensure that each kindergarten student enrolled in the program is adequately supervised

at all times when the student is in the care of the staff of the school. 1
2

Maximum penalty—65 penalty units. 3

419D Kindergarten students must be protected from harm and hazards 4
5

The principal of a prescribed State school that provides a State school kindergarten program must ensure that every reasonable precaution is taken by staff of the school to protect a kindergarten student from harm, and a hazard likely to cause injury, while the student is in the care of the staff of the school. 6
7
8
9
10
11
12

Maximum penalty—65 penalty units. 13

419DA Restriction on persons with prohibition notices providing education and care to kindergarten students 14
15
16

(1) This section applies if a prohibition notice is in force for a person under— 17
18

(a) the *Education and Care Services Act 2013*; 19
or 20

(b) the Education and Care Services National Law. 21
22

(2) The person must not provide, or agree to provide, education or care to kindergarten students, enrolled in a State school kindergarten program provided at a prescribed State school, while the students attend the program at the school. 23
24
25
26
27

Maximum penalty—100 penalty units. 28

(3) Subsection (2) applies regardless of whether the education and care are provided by the person as an employee or contractor of, or volunteer at, the school at which the State school kindergarten program is provided. 29
30
31
32
33

[s 108]

(4) In this section—	1
<i>Education and Care Services National Law</i>	2
means the Education and Care Services National	3
Law—	4
(a) as in force from time to time, set out in the	5
schedule to the <i>Education and Care Services</i>	6
<i>National Law Act 2010</i> (Vic); and	7
(b) as it applies as a law of Queensland or	8
another State, with or without modification.	9
419DB Guideline about standards for providing	10
State school kindergarten programs	11
(1) The chief executive must make a guideline about	12
the standards that apply in relation to providing a	13
State school kindergarten program at a prescribed	14
State school.	15
(2) In making the guideline, the chief executive must	16
have regard to the matters provided for in the	17
National Quality Standard under the Education	18
and Care Services National Law (Queensland).	19
(3) The guideline must provide for the review and	20
assessment, by the chief executive, of a State	21
school kindergarten program provided at a	22
prescribed State school against the standards set	23
out in the guideline—	24
(a) to ensure the program being provided at the	25
school is meeting the standards; and	26
(b) to identify ways the program being provided	27
at the school could be improved.	28
(4) The chief executive must ensure the guideline is	29
available for public inspection, without charge—	30
(a) during normal business hours at the	31
department’s head office; and	32
(b) on the department’s website.	33

419DC Policies for State school kindergarten programs	1 2
(1) The chief executive must make a policy about requirements that apply in relation to providing a State school kindergarten program at a prescribed State school to ensure the health, safety and wellbeing of kindergarten students enrolled in the program.	3 4 5 6 7 8
(2) Without limiting subsection (1), the policy may contain requirements about the following—	9 10
(a) providing a physical environment that is safe for kindergarten students;	11 12
(b) ensuring kindergarten students are given safe and sufficient opportunities for sleep and rest;	13 14 15
(c) ensuring the drop-off and collection of kindergarten students from the school premises are conducted safely.	16 17 18
(3) The chief executive must also make a policy about the management of the behaviour of kindergarten students in a way that is age appropriate.	19 20 21 22
(4) The chief executive must ensure a policy made under this section is available for public inspection, without charge—	23 24 25
(a) during normal business hours at the department’s head office; and	26 27
(b) on the department’s website.	28
419DD Collection, use and disclosure of URL data	29
(1) The chief executive may collect URL data for use and disclosure under this section.	30 31
(2) The chief executive may use URL data for—	32

[s 108]

- (a) planning for, monitoring outcomes of, and reporting on, early childhood initiatives; and 1
2
- (b) preparing the data for disclosure under subsection (4). 3
4
- (3) For subsection (2)(a), URL data may be reported only if it has been aggregated and does not identify, directly or indirectly, any person to whom it relates. 5
6
7
8
- (4) The chief executive may disclose URL data to a prescribed entity for the purpose of meeting Queensland's obligations under the early childhood data agreement. 9
10
11
12
- (5) A prescribed entity that receives URL data under this section must ensure the data is collected, stored and used in a way that ensures the privacy of the persons to whom it relates is protected. 13
14
15
16
- (6) In this section— 17
- disability** includes a condition attributable to— 18
- (a) a physical, intellectual, hearing, vision or speech-language impairment, or a developmental delay; or 19
20
21
- (b) an autistic spectrum disorder; or 22
- (c) a combination of impairments mentioned in paragraph (a), a developmental delay or an autistic spectrum disorder. 23
24
25
- early childhood data agreement** means the agreement between the Commonwealth and the States called the 'National information agreement on early childhood education and care', signed on behalf of the Queensland Government by the chief executive on 19 February 2010. 26
27
28
29
30
31
- health practitioner** means a person registered under the Health Practitioner Regulation National Law to practise a health profession. 32
33
34

-
- prescribed entity*** means— 1
- (a) the Australian Bureau of Statistics; or 2
 - (b) the Australian Institute of Health and Welfare established under the *Australian Institute of Health and Welfare Act 1987* (Cwlth). 3
4
5
6
- URL data*** means— 7
- (a) the following information about a kindergarten student— 8
9
 - (i) the student’s name, date of birth and gender; 10
11
 - (ii) the address of the student’s primary residence; 12
13
 - (iii) whether the student or a parent of the student is an Aboriginal person or a Torres Strait Islander person; 14
15
16
 - (iv) if the primary language of the student or, if the student has not learned to speak, the student’s family is not English—the primary language of the student or the student’s family; 17
18
19
20
21
 - (v) whether the student, or a parent of the student, holds a health care card under the *Social Security Act 1991* (Cwlth); 22
23
24
 - (vi) whether the student— 25
 - (A) has been diagnosed by a health practitioner as having, or is suspected by a health practitioner of having, a disability or long-term medical condition; and 26
27
28
29
30
 - (B) needs additional assistance because of the disability or medical condition; 31
32
33
-

[s 108]

- (vii) the number of hours that the student attended a State school kindergarten program during a particular period; 1
2
3
- (viii) other information about the student that is prescribed by regulation; or 4
5
- (b) any of the following information about a staff member of a prescribed State school who delivers a State school kindergarten program at the school— 6
7
8
9
 - (i) the staff member’s name; 10
 - (ii) if a qualification in early childhood studies or child care studies is held by the staff member— 11
12
13
 - (A) the name of the qualification; and 14
 - (B) the date on which the qualification was issued; and 15
16
 - (C) the institution that issued the qualification; 17
18
 - (iii) whether the staff member holds full registration or provisional registration under the *Education (Queensland College of Teachers) Act 2005* and, if so, the staff member’s identification number under that Act; 19
20
21
22
23
24
 - (iv) whether the staff member is an Aboriginal person or a Torres Strait Islander person; 25
26
27
 - (v) if the primary language of the staff member is not English—the primary language of the staff member; 28
29
30
 - (vi) other information about the staff member that is prescribed by regulation. 31
32
33

Clause 109	Amendment of s 419E (Distance education kindergarten learning program)	1
		2
	Section 419E, from ‘focused’ to ‘preparatory year,’—	3
	<i>omit, insert—</i>	4
	that is designed to promote the social and	5
	emotional wellbeing of children, and their	6
	physical and cognitive development, in the year	7
	immediately before the preparatory year	8
Clause 110	Amendment of s 419F (Registration in programs)	9
(1)	Section 419F(3)(b)(i), from ‘centre-based service’—	10
	<i>omit, insert—</i>	11
	relevant kindergarten; or	12
(2)	Section 419F(3)(b)(ii)—	13
	<i>omit, insert—</i>	14
	(ii) has medical grounds for needing distance	15
	education;	16
(3)	Section 419F—	17
	<i>insert—</i>	18
	(3A) For subsection (3)(b)(ii), the child has medical	19
	grounds for needing distance education only if—	20
	(a) the child has 1 or more medical certificates	21
	stating that the child is unable to attend a	22
	centre-based service for a period during the	23
	child’s registration year due to the child’s	24
	state of health; and	25
	(b) the total period the child is unable to attend	26
	a centre-based service under all medical	27
	certificates mentioned in paragraph (a) is	28
	more than 10 weeks.	29
(4)	Section 419F(7)—	30
	<i>insert—</i>	31

[s 111]

	<i>approved kindergarten program</i> means a	1
	program provided by a centre-based service for	2
	which the service receives kindergarten program	3
	funding from the department.	4
	<i>relevant kindergarten</i> means—	5
	(a) a centre-based service that provides an	6
	approved kindergarten program; or	7
	(b) a prescribed State school that provides a	8
	State school kindergarten program.	9
(5)	Section 419F(3A) to (7)—	10
	<i>renumber</i> as section 419F(4) to (8).	11
Clause 111	Amendment of s 419G (Review of decision to refuse to grant an application)	12
	Section 419G(2), ‘section 419F(5)’—	13
	<i>omit, insert</i> —	14
	section 419F(6)	15
Clause 112	Amendment of s 426 (Confidentiality)	16
(1)	Section 426(1)(b)(ii)—	17
	<i>omit, insert</i> —	18
	(ii) a child—	19
	(A) who is or has been registered in a	20
	distance education kindergarten	21
	learning program; or	22
	(B) for whom an application for	23
	registration has been made under	24
	section 419F; or	25
(2)	Section 426(1)(b)(iv)(B), ‘provisional registration, or registration,’—	26
	<i>omit, insert</i> —	27
		28
		29

-
- registration for home education 1
- (3) Section 426(2)(b), ‘contained in a transfer note’— 2
omit, insert— 3
included in a transfer note under chapter 14 4
- (4) Section 426(2)(b)(i), ‘continuing’— 5
omit. 6
- (5) Section 426(2)(b)(ii)— 7
omit. 8
- (6) Section 426(2)(b)(iii)— 9
renumber as section 426(2)(b)(ii). 10
- (7) Section 426(4)(d), after ‘subsection (5)’— 11
insert— 12
 , section 426A 13

Clause 113 Insertion of new s 426A 14

After section 426— 15
insert— 16

426A Confidentiality—approved online services 17

- (1) For section 426(4)(d), a public service employee 18
employed in the department may— 19
- (a) disclose, to an entity that provides an 20
approved online service, personal 21
information that is relevant information 22
about a student of a State school; or 23
- (b) make a record of, or use, personal 24
information about a student of a State school 25
for the purpose of disclosing relevant 26
information under paragraph (a). 27
- (2) The chief executive may approve, as an ***approved*** 28
online service, an online service that requires the 29

[s 113]

- disclosure, recording or use of personal information about a student of a State school if the chief executive is reasonably satisfied—
- (a) a contract or other arrangement entered into with the entity that provides, or is to provide, the online service is a service arrangement and the entity is a bound contracted service provider in relation to the contract or arrangement; and
 - (b) an appropriately qualified public service employee employed in the department has assessed the online service according to a framework for assessing the matters mentioned in paragraphs (c) and (d); and
 - (c) the online service is suitable to protect the privacy and online security of relevant information about the student that may be disclosed to, or recorded or used by, the entity providing the service; and
 - (d) the entity that provides, or is to provide, the online service does not, for the purpose of providing the service, require the disclosure to, or recording or use by, the entity of sensitive information about the student; and
 - (e) the online service is required for either or both of the following purposes—
 - (i) for providing services for the education or educational support of students of State schools;
 - (ii) for the effective management of State schools.
- (3) The chief executive must ensure a list of all approved online services is made available for public inspection, without charge—
- (a) during normal business hours at the department’s head office; and

(b) on the department’s website.	1
(4) In this section—	2
<i>bound contracted service provider</i> see the <i>Information Privacy Act 2009</i> , schedule 5.	3 4
<i>disclose</i> , information, see section 426(6).	5
<i>personal information</i> see section 426(6).	6
<i>relevant information</i> , about a student of a State school, means personal information, other than sensitive information, about the student that is relevant to the provision, or use, of an approved online service.	7 8 9 10 11
<i>sensitive information</i> see the <i>Information Privacy Act 2009</i> , schedule 5.	12 13
<i>service arrangement</i> see the <i>Information Privacy Act 2009</i> , section 34.	14 15
Clause 114 Insertion of new s 427A	16
After section 427—	17
<i>insert—</i>	18
427A Review of amendments made in relation to cancellation of enrolment, exclusion, refusal to enrol and suspension	19 20 21
(1) The chief executive must review the effectiveness of amendments made by the <i>Education (General Provisions) and Other Legislation Amendment Act 2024</i> to the following provisions (the <i>amended provisions</i>)—	22 23 24 25 26
(a) chapter 12, part 3;	27
(b) chapter 8, part 1, division 2;	28
(c) section 156, to the extent the amendments relate to the referral of a prospective student’s application to the chief executive	29 30 31

[s 115]

	to consider under chapter 8, part 1, division 2.	1 2
(2)	The object of the review is to determine whether the amendments have been effective in ensuring—	3 4 5
(a)	processes and decisions under the amended provisions are fair, transparent and consistent; and	6 7 8
(b)	students, parents of students and principals are supported before, during and after processes and decisions under the amended provisions; and	9 10 11 12
(c)	the amended provisions achieve an appropriate balance between—	13 14
(i)	the need to ensure good order and management in schools, and protect the safety and wellbeing of Queensland school communities; and	15 16 17 18
(ii)	the need to make available to each Queensland child or young person a high-quality education that will—	19 20 21
(A)	help maximise their educational potential; and	22 23
(B)	enable them to become an effective and informed member of the community.	24 25 26
(3)	The review must start within 18 months after the commencement.	27 28
(4)	In this section— <i>student</i> includes a prospective student.	29 30
Clause 115	Amendment of s 428 (Collection of demographic information)	31 32
	Section 428(1)(b)—	33

omit, insert—

- (b) a child registered in a distance education
kindergarten learning program;

Clause 116 Amendment of s 434 (Regulation-making power)

- (1) Section 434(2)—

insert—

- (ba) obligations and requirements in relation to
the safety, health and wellbeing of
kindergarten students;

- (2) Section 434(2)(f), ‘10 penalty units’—

omit, insert—

20 penalty units

- (3) Section 434(2)(ba) to (f)—

renumber as section 434(2)(c) to (g).

- (4) Section 434—

insert—

- (4) Also, without limiting subsection (2)(c), a
regulation may be made about requirements in
relation to the transportation of kindergarten
students to or from the school at which the
students are enrolled—

(a) by the staff of the school; or

(b) on transportation arranged by the staff of the
school.

Clause 117 Insertion of new ch 20, pt 11, div 3

Chapter 20, part 11, as inserted by this Act—

insert—

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Division 3	Provisions for	1
	amendments commencing	2
	by proclamation	3
Subdivision 1	Enrolment at State schools	4
548	Period for referral of existing applications	5
	under ch 8, pt 1, div 2	6
	New section 156(2AA) applies only in relation to	7
	the referral of an application for enrolment made	8
	to the principal of a State school after the	9
	commencement.	10
549	Dealing with existing referrals of applications	11
	under ch 8, pt 1, div 2	12
(1)	This section applies if—	13
(a)	before the commencement, an application	14
	for enrolment of a prospective student was	15
	referred to the chief executive under former	16
	section 156(2); and	17
(b)	immediately before the commencement, the	18
	chief executive had not—	19
(i)	referred the application back to the	20
	principal under former section 158; or	21
(ii)	given the applicant a show cause notice	22
	under former section 159.	23
(2)	Former sections 158 and 159 continue to apply in	24
	relation to the prospective student and the	25
	application for enrolment as if the amendment	26
	Act, section 52 had not commenced.	27

550 Applications for enrolment—special schools	1
(1) This section applies if—	2
(a) before the commencement, an application for enrolment of a prospective student at a special school was made and referred to the chief executive under former section 156(3); and	3 4 5 6 7
(b) immediately before the commencement, the application had not been—	8 9
(i) dealt with under section 167; or	10
(ii) referred back to the principal under section 166(2) and decided by the principal under former section 156; or	11 12 13
(iii) withdrawn.	14
(2) The application must be decided under former chapter 8, part 1 as if the amendment Act had not been enacted.	15 16 17
551 Existing show cause process under ch 8, pt 1, div 2 if accepted representations not received	18 19
(1) This section applies if—	20
(a) before the commencement, the chief executive gave the applicant a show cause notice under former section 159; and	21 22 23
(b) immediately before the commencement, the chief executive had not—	24 25
(i) received accepted representations for the show cause notice; and	26 27
(ii) made—	28
(A) a decision requiring no further action to be taken about the show cause notice under section 161; or	29 30 31

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(B)	a decision to refuse enrolment of the student at the school under former section 162.	1 2 3
(2)	From the commencement, former section 162(2) does not apply in relation to the chief executive's decision about the student's enrolment at the school.	4 5 6 7
552	Obligation to provide educational program in relation to new referrals	8 9
	Section 163A applies only in relation to a prospective student whose application for enrolment at a State school is referred by the principal of the State school after the commencement.	10 11 12 13 14
Subdivision 2	Home education	15
553	Provisional registration and applications for provisional registration for home education—former s 207	16 17 18
(1)	This section applies—	19
(a)	if—	20
(i)	before the commencement, an application was made under former section 207 for provisional registration of a child for home education; and	21 22 23 24
(ii)	immediately before the commencement, the chief executive had not notified the applicant that the child was provisionally registered for home education; or	25 26 27 28 29
(b)	if—	30

-
- (i) before the commencement, the child was provisionally registered for home education under former section 207; and
 - (ii) immediately before the commencement, the period mentioned in former section 207(3) had not expired.
 - (2) Former sections 199 and 207 continue to apply in relation to the application for provisional registration, or the child's provisional registration, as if the amendment Act had not been enacted, until the earlier of the following—
 - (a) if an application for registration of the child for home education is made under new section 208—the day the application is made;
 - (b) the period mentioned in former section 207(3) expires.

554 Applications for registration for home education

- (1) This section applies if—
 - (a) before the commencement, an application was made under former section 208 for registration of a child for home education; and
 - (b) immediately before the commencement, the application had not been decided by the chief executive or withdrawn.
- (2) Former chapter 9, part 5, division 3, other than former sections 214(1) and 216, continues to apply in relation to the application as if the amendment Act had not been enacted.
- (3) If the chief executive decides to grant the

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application, the chief executive must give the 1
applicant a notice stating the matters mentioned in 2
new section 214(1). 3

555 Child registered for home education 4

- (1) This section applies in relation to a child who, 5
immediately before the commencement, was 6
registered for home education under former 7
chapter 9, part 5. 8
- (2) From the commencement, new chapter 9, part 5, 9
divisions 4 to 6 applies in relation to the child's 10
registration for home education. 11

**556 Applications for review—decisions about 12
home education 13**

- (1) This section applies if— 14
- (a) before the commencement a person was 15
given, or entitled to be given, an information 16
notice about a decision made under former 17
chapter 9, part 5; and 18
- (b) immediately before the commencement— 19
- (i) the person had not made an application 20
under former section 391 for a review 21
of the decision; and 22
- (ii) the period stated in former section 23
391(1) had not expired; and 24
- (iii) the chief executive had not extended 25
the time for making the application 26
under former section 391(2). 27
- (2) The person may apply for a review of the decision 28
within the later of the following periods to end— 29
- (a) the period mentioned in former section 30
391(1)(a); 31

(b) the period mentioned in new section 391(1)(a)(i).	1 2
557 Review decisions—decisions about home education	3 4
(1) This section applies if—	5
(a) before the commencement—	6
(i) a person was given, or entitled to be given, an information notice for a decision made under former chapter 9, part 5; and	7 8 9 10
(ii) the person applied under former section 391 for a review of the decision; and	11 12 13
(b) immediately before the commencement the review had not been decided.	14 15
(2) The chief executive must make a review decision within the earlier of the following periods to end—	16 17 18
(a) the period mentioned in former section 392(2);	19 20
(b) the period mentioned in new section 392(2)(a).	21 22
558 Confidentiality—provisional registration	23
(1) This section applies in relation to a person mentioned in former section 426(1) who, in that capacity, has gained or has access to personal information about a child—	24 25 26 27
(a) who is or was provisionally registered for home education, under former section 207, including as that section is applied under section 553; or	28 29 30 31

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(b) for whom an application for provisional registration for home education had been made under former section 207.	1 2 3
(2) Former section 426 continues to apply to the person as if the amendment Act had not been enacted.	4 5 6
<i>Note—</i>	7
See also section 579.	8
Subdivision 3 Suspension, exclusion and cancellation of enrolment of State school students	9 10 11
559 Notice about and submissions against existing suspensions	12 13
Former sections 283, 285 and 286 continue to apply in relation to a suspension started under former section 283(2), before the commencement, as if the amendment Act had not been enacted.	14 15 16 17 18
560 Short suspensions before commencement included in total period for suspensions starting after commencement	19 20 21
(1) This section applies in relation to the short suspension of a student that starts after the commencement.	22 23 24
(2) For new section 285(2)(b), the reference to all earlier short suspensions in the school year includes a reference to all short suspensions the student received, before the commencement, in the school year.	25 26 27 28 29
(3) In this section— <i>short suspension</i> see new section 285(5).	30 31

561 Reviews not started of decisions to suspend	1
(1) This section applies if—	2
(a) immediately before the commencement—	3
(i) a person could have, but had not, made a submission to the chief executive, under former section 285, against the suspension of a student; and	4 5 6 7
(ii) the period within which the person could make the submission had not ended; and	8 9 10
(b) after the commencement and within the period mentioned in subsection (1)(a)(ii), the person makes a submission against the suspension.	11 12 13 14
(2) The chief executive must decide the review as if the amendment Act, section 77 had not commenced.	15 16 17
562 Existing reviews of decisions to suspend	18
(1) This section applies if—	19
(a) before the commencement, a person made a submission against the suspension of a student to the chief executive under former section 285; and	20 21 22 23
(b) immediately before the commencement, the review of the suspension had not been decided under former section 286.	24 25 26
(2) The chief executive must decide the review as if the amendment Act, section 77 had not commenced.	27 28 29

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563 Periods for deciding whether to exclude student with existing charge-related suspensions etc.	1
	2
	3
(1) This section applies if—	4
(a) before the commencement—	5
(i) the principal of a State school suspended a student on a charge-related ground under section 281; and	6
	7
	8
	9
(ii) the charge to which the suspension related had been dealt with; and	10
	11
(b) immediately before the commencement, the principal had not decided under former section 288 whether to propose to exclude the student from the school.	12
	13
	14
	15
(2) Former section 288 continues to apply in relation to the proposal to exclude and the suspension of the student as if the amendment Act, section 80 had not commenced.	16
	17
	18
	19
564 Periods for telling student and giving notice about existing decisions to end charge-related suspensions early	20
	21
	22
Former section 289 continues to apply in relation to a decision, made before the commencement under former section 289(2), to end a suspension on a charge-related ground as if the amendment Act, section 81 had not commenced.	23
	24
	25
	26
	27
565 Existing proposed exclusion by principal	28
(1) This section applies if—	29
(a) before the commencement, the principal of a State school told a student, or gave the student a notice, under former section 293	30
	31
	32

about the proposed exclusion of the student from the school; and	1 2
(b) immediately before the commencement, the principal had not made a final decision about exclusion, or given the student a notice about the decision, under former section 295.	3 4 5 6 7
(2) Former sections 293 and 295 continue to apply in relation to the proposed exclusion as if the amendment Act had not been enacted.	8 9 10
566 Existing proposed exclusion by chief executive	11 12
(1) This section applies if—	13
(a) before the commencement, the chief executive proposed to exclude a student under former section 300; and	14 15 16
(b) immediately before the commencement, the chief executive had not taken both of the following steps—	17 18 19
(i) given the student a notice about the proposed exclusion under former section 300(2);	20 21 22
(ii) told the student about the student's suspension in accordance with former section 300.	23 24 25
(2) Former section 300 continues to apply in relation to the proposed exclusion and suspension of the student as if the amendment Act, section 88 had not commenced.	26 27 28 29
567 Existing show cause process under ch 12, pt 3, div 5 if accepted representations not received	30 31 32
(1) This section applies if—	33

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- (a) before the commencement, the chief executive gave the applicant a show cause notice under section 306; and
- (b) immediately before the commencement, the chief executive had not—
 - (i) received accepted representations for the show cause notice; and
 - (ii) made—
 - (A) a decision requiring no further action to be taken about the show cause notice under section 308; or
 - (B) a decision to exclude the prospective student from certain State schools or all State schools under former section 309.
- (2) From the commencement, former section 309(2) does not apply in relation to the chief executive’s decision about the student’s exclusion from the State schools.

568 Existing cancellations of enrolment

Former sections 318, 319 and 320 continue to apply in relation to the cancellation of a student’s enrolment under former section 316(1) before the commencement as if the amendment Act had not been enacted.

569 Reviews not started of decisions to exclude

- (1) This section applies if—
 - (a) immediately before the commencement—
 - (i) a person could have, but had not, made—

-
- (A) a submission to the chief executive, under former section 312, for a review of a decision to exclude a student under section 291 or 298; or
- (B) an application to QCAT for a review of a decision to exclude a student from all State schools in accordance with section 402; and
- (ii) the period within which the person could make the submission or application had not ended; and
- (b) after the commencement and within the period mentioned in subsection (1)(a)(ii), the person makes a submission or application for a review of the exclusion.
- (2) The chief executive or QCAT must decide the review as if the amendment Act had not been enacted.

570 Existing reviews of decisions to exclude

- (1) This section applies if—
- (a) before the commencement, a person made—
- (i) a submission to the chief executive, under former section 312, for a review of a decision to exclude a student under section 291 or 298; or
- (ii) an application to QCAT for a review of a decision to exclude a student from all State schools in accordance with section 402; and
- (b) immediately before the commencement, the review had not been decided.
- (2) The chief executive or QCAT must decide the

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review as if the amendment Act had not been enacted.	1 2
Subdivision 4 State school kindergarten programs	3 4
571 Existing kindergarten learning program	5
(1) This section applies to a kindergarten learning program approved by the Minister under former section 419A(1) that was, immediately before the commencement, being provided at a prescribed State school.	6 7 8 9 10
(2) On the commencement, the program is taken to be a State school kindergarten program—	11 12
(a) approved by the Minister under new section 419A(1); and	13 14
(b) provided by the State at the prescribed State school under new section 419A(2).	15 16
572 Existing registrations in kindergarten learning program	17 18
(1) This section applies to a child who was, immediately before the commencement, registered in a kindergarten learning program at a prescribed State school.	19 20 21 22
(2) On the commencement, the child is a kindergarten student enrolled at the prescribed State school.	23 24
573 Existing applications for registration in kindergarten learning program	25 26
(1) This section applies if—	27
(a) before the commencement, a person made an application for registration of a	28 29

-
- kindergarten age child in a kindergarten learning program at a prescribed State school under former section 419B; and
- (b) immediately before the commencement, the application had not been decided or withdrawn.
- (2) The application must be decided under former section 419C as if the amendment Act, section 108 had not commenced.
- (3) However, if the principal decides to grant the application, the child must, instead of being registered, be enrolled as a kindergarten student at the prescribed State school.

574 Existing URL data

- (1) This section applies in relation to the following information disclosed to the chief executive, before the commencement, under the *Education and Care Services National Law (Queensland) Act 2011*, section 34(1)—
- (a) information about a child registered in a kindergarten learning program under former section 419A;
- (b) information about a staff member of a State school who delivered a kindergarten learning program under former section 419A.
- (2) From the commencement, the information is taken to be URL data collected under section 419DD and may be used and disclosed as provided for under that section.

575 Existing distance education kindergarten learning program

- (1) This section applies to a distance education

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kindergarten learning program approved by the 1
Minister under former section 419E that was, 2
immediately before the commencement, being 3
provided by a State school. 4

- (2) To remove any doubt, it is declared that the 5
program continues to be a distance education 6
kindergarten learning program for new section 7
419E, despite the amendment of that section by 8
the amendment Act, section 109. 9

**576 Existing applications for registration in 10
distance education kindergarten learning 11
program 12**

- (1) This section applies if— 13
- (a) before the commencement, a person made 14
an application for the registration of a 15
kindergarten age child in a distance 16
education kindergarten learning program 17
under former section 419F; and 18
- (b) immediately before the commencement, the 19
application had not been decided or 20
withdrawn. 21
- (2) The application must be decided under new 22
section 419F. 23

**577 Reviews not started of refusal to grant 24
registration in distance education 25
kindergarten learning program 26**

- (1) This section applies if— 27
- (a) immediately before the commencement— 28
- (i) a person could have, but had not, 29
applied to the chief executive under 30
former section 419G for a review of a 31
decision, under former section 419F, to 32
refuse to grant an application for 33

registration in a distance education kindergarten learning program; and	1 2
(ii) the period within which the person could apply for the review had not ended; and	3 4 5
(b) after the commencement and within the period mentioned in subsection (1)(a)(ii), the person applies for the review.	6 7 8
(2) The chief executive must decide the review as if new section 419F had been in force when the person's application under former section 419F was made.	9 10 11 12
578 Existing reviews of refusal to grant registration in distance education kindergarten learning program	13 14 15
(1) This section applies in relation to a review by the chief executive that was started, but not decided, before the commencement, of a decision under former section 419F to refuse to grant an application for registration in a distance education kindergarten learning program.	16 17 18 19 20 21
(2) The chief executive must decide the review as if new section 419F had been in force when the person's application under former section 419F was made.	22 23 24 25
579 Confidentiality—kindergarten learning programs	26 27
(1) This section applies if—	28
(a) immediately before the commencement, former section 426 applied to a person in relation to personal information about a child—	29 30 31 32

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- (i) who had been registered in a kindergarten learning program at a State school or relevant non-State school; or
 - (ii) for whom an application for registration had been made under former section 419B; and
 - (b) on the commencement, new section 426 does not apply to the person in relation to the personal information.
- (2) Former section 426 continues to apply to the person in relation to the personal information as if the amendment Act had not been enacted.
- Note—*
- See also section 558.

580 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
 - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as in force before its amendment by the amendment Act to the operation of this Act as in force from the commencement, to the extent it relates to a kindergarten program or a student, or prospective student, of a kindergarten program; and
 - (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.

-
- (4) This section and any transitional regulation expire on the day that is 2 years after the day this section commences. 1
2
3
- (5) In this section— 4
- kindergarten program* means any of the following programs— 5
6
- (a) a kindergarten learning program under former section 419A; 7
8
- (b) a State school kindergarten program under new section 419A; 9
10
- (c) a distance education kindergarten learning program under former section 419E or new section 419E. 11
12
13
- prospective student*, of a kindergarten program, means a child for whom an application has been made to register or enrol the child in a kindergarten program. 14
15
16
17
- student*, of a kindergarten program, means a child registered or enrolled in a kindergarten program, including a kindergarten student. 18
19
20

Subdivision 5 Transfer notes 21

581 Transfer notes requested before commencement—cessation of enrolment 22 23

- (1) This section applies if— 24
- (a) before the commencement, a request mentioned in former section 386(1)(b) or (3)(d) was made for a transfer note for a former student of a State school or non-State school; and 25
26
27
28
29
- (b) immediately before the commencement, the school's principal had not complied with 30
31

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- former section 386(2) or (4) in relation to 1
the request. 2
- (2) Former section 386 continues to apply in relation 3
to the request as if the amendment Act had not 4
been enacted. 5
- 582 Transfer notes requested before 6
commencement—application for enrolment 7**
- (1) This section applies if— 8
- (a) before the commencement, the principal of 9
a new school gave a notice under former 10
section 387(3) asking for a transfer note for 11
a former student or continuing student of a 12
State school or non-State school; and 13
- (b) immediately before the commencement— 14
- (i) the previous school’s principal had not 15
complied with former section 387(4) in 16
relation to the request and the period 17
for complying had not ended under that 18
section; or 19
- (ii) the new school’s principal had not 20
given notice under former section 21
387(5) or (7) that the first notice had 22
been given under former section 23
387(3); or 24
- (iii) the new school’s principal had not 25
complied with former section 387(8) or 26
(10) in relation to a request made under 27
either subsection. 28
- (2) Former section 387 continues to apply in relation 29
to the request as if the amendment Act had not 30
been enacted. 31

Subdivision 6 Approved online services 32

-
- 583 Confidentiality—approved online services** 1
- (1) For section 426A(1), a reference to personal 2
information about a student of a State school 3
includes a reference to personal information that 4
the public service employee gained, or had access 5
to, before the commencement. 6
- (2) For section 426A(2), a reference to personal 7
information about a student of a State school 8
includes a reference to personal information that 9
came into existence before the commencement. 10

Subdivision 7 Validation provision 11

- 584 Existing campus associations** 12
- (1) This section applies if— 13
- (a) before the commencement, an association (a 14
former association) was formed for a 15
former school before the school’s closure; 16
and 17
- (b) immediately before the closure of the 18
former school, the former association 19
performed the functions of an association 20
under this Act for the school; and 21
- (c) from the closure of the former school, the 22
former association purported to continue in 23
existence as if it were an association formed 24
for Tagai State College. 25
- (2) The former association is taken to be, and to have 26
been during the transitional period, a campus 27
association formed for Tagai State College. 28
- (3) For subsection (2)— 29
- (a) chapter 7, part 11 applies as if it had taken 30
effect on 1 January 2007; and 31

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	(b) Tagai State College is taken to have been a regional State school during the transitional period.	1 2 3
	(4) Anything done during the transitional period by the former association in the purported performance of a function under this Act has the same effect, and is taken to have always had the same effect, as if the former association had been validly formed as a campus association for Tagai State College under this Act.	4 5 6 7 8 9 10
	(5) In this section—	11
	<i>former school</i> means a State school that, before the commencement, was closed and amalgamated with other schools to form Tagai State College.	12 13 14
	<i>transitional period</i> means the period starting on 1 January 2007 and ending immediately before the commencement.	15 16 17
Clause 118	Amendment of sch 4 (Dictionary)	18
	(1) Schedule 4, definitions <i>kindergarten age child</i> , <i>kindergarten learning program</i> , <i>prescribed non-State school</i> , <i>prescribed State school</i> , <i>relevant person</i> and <i>transfer note</i> —	19 20 21
	<i>omit</i> .	22
	(2) Schedule 4—	23
	<i>insert</i> —	24
	<i>campus association</i> see section 154B.	25
	<i>disability</i> , in relation to a person, for chapter 12, part 3, see section 280.	26 27
	<i>former school</i> , in relation to a student enrolled at a new school, for chapter 14, part 2, division 2, see section 388A.	28 29 30
	<i>former student</i> , for chapter 14, see sections 385(1)(a) and 386(1)(c).	31 32

<i>head of campus</i> , for a campus of a regional State school, for chapter 7, part 11, see section 154B.	1 2
<i>kindergarten student</i> see section 419B(1).	3
<i>new school</i> , for chapter 14, part 2, division 2, see section 388(a).	4 5
<i>prescribed State school</i> see section 419A(2).	6
<i>previous school</i> , for chapter 14, part 2, division 2, see section 388(a).	7 8
<i>regional State school</i> see section 154A(2).	9
<i>related document</i> , in relation to a transfer note, for chapter 14, see section 383.	10 11
<i>relevant person</i> , for chapter 12, part 10, see section 364.	12 13
<i>State school kindergarten program</i> see section 419A(1).	14 15
<i>student support plan</i> see section 321(2).	16
<i>transfer note</i> , for a student or former student of a State school or non-State school, for chapter 14, see section 384.	17 18 19
(3) Schedule 4, definition <i>accepted representations</i> —	20
<i>insert</i> —	21
(e) for chapter 12, part 3, division 8—see section 318(2).	22 23
(4) Schedule 4, definition <i>association</i> —	24
<i>insert</i> —	25
(c) for a regional State school—a campus association formed under section 154C for a campus of the school; or	26 27 28
(d) for a proposed campus of a regional State school or a proposed regional State school—an interim campus association	29 30 31

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- formed under section 154D for the proposed campus. 1
2
- (5) Schedule 4, definition *educational program*, paragraph (a)(ii)— 3
4
omit, insert— 5
(ii) a State school kindergarten program; or 6
- (6) Schedule 4, definition *review decision*, ‘section 392(2)’— 7
omit, insert— 8
section 392(6) 9
- (7) Schedule 4, definition *show cause notice*, paragraph (a), ‘section 159(1)’— 10
11
omit, insert— 12
section 158(3) 13
- (8) Schedule 4, definition *show cause notice*— 14
insert— 15
(da) for chapter 12, part 3, division 8—see 16
section 317(2); or 17
- (9) Schedule 4, definition *show cause notice*, paragraphs (da) and (e)— 18
19
renumber as paragraphs (e) and (f). 20
- (10) Schedule 4, definition *show cause period*— 21
insert— 22
(da) for chapter 12, part 3, division 8—see 23
section 317(2)(d); or 24
- (11) Schedule 4, definition *show cause period*, paragraphs (da) and (e)— 25
26
renumber as paragraphs (e) and (f). 27

Part 5	Amendment of Education (General Provisions) Regulation 2017	1 2 3
Clause 119	Regulation amended	4
	This part amends the <i>Education (General Provisions) Regulation 2017</i> .	5 6
Clause 120	Insertion of new pts 7A and 7B	7
	After part 7—	8
	<i>insert—</i>	9
	Part 7A	
	Enrolment at State Schools	10 11
	60A Period for referring application for enrolment to chief executive—Act, s 156	12 13
	For section 156(2AA) of the Act, the period prescribed is 5 school days after the principal receives the application.	14 15 16
	60B Period for considering application for enrolment and referring back to principal or giving show cause notice etc.—Act, s 158	17 18 19
	(1) For section 158(4) of the Act, the period prescribed is 10 school days after the chief executive receives the application.	20 21 22
	(2) For section 158(6) of the Act, the period prescribed is 1 school day after the principal receives the application back from the chief executive.	23 24 25 26

[s 120]

Part 7B	Suspension, exclusion and cancellation of enrolment of State School students	1 2 3 4
60C Definitions for part		5
In this part—		6
<i>education support plan</i> means a written plan designed for a child in out-of-home care that—		7 8
(a) addresses the child’s educational needs and goals; and		9 10
(b) is made for the child by the principal of the school the child attends or another staff member of the school authorised by the principal.		11 12 13 14
<i>out-of-home care</i> means care provided by an entity mentioned in the <i>Child Protection Act</i> 1999, section 82(1)(a) to (f).		15 16 17
60D Matters to be considered by principal before suspending student on particular grounds—Act, s 282		18 19 20
(1) For section 282(2) of the Act, this section prescribes the matters the principal must consider before suspending a student on a ground mentioned in section 282(1) of the Act.		21 22 23 24
(2) The matters are—		25
(a) the seriousness and frequency of the student’s suspension behaviour; and		26 27
(b) the safety and wellbeing of other students and of staff of the school; and		28 29
(c) other action the principal could take to adequately deal with the student’s		30 31

suspension behaviour but still allow the student to attend the school; and	1 2
<i>Examples of other action—</i>	3
detention, consultation with the student and the student’s parents	4 5
(d) the student’s previous behaviour at the school; and	6 7
(e) any previous action taken by the principal or other staff of the school to deal with disobedience, misbehaviour or other negative behaviour of the student; and	8 9 10 11
(f) any suspensions or exclusions given to the student in relation to the school within the previous 14 months; and	12 13 14
(g) the student’s response to any action mentioned in paragraph (e) or (f); and	15 16
(h) any other matters applying in relation to the student under subsection (3), (4) or (5).	17 18
(3) Without limiting subsection (2)(c), for a student who has an education support plan or a student support plan, the matters include whether the plan sufficiently supports the student or could be changed to better support the student.	19 20 21 22 23
(4) For a student with disability that is relevant to the suspension behaviour, the matters include—	24 25
(a) adjustments made or other action taken to support the student in relation to the student’s disability at the school; and	26 27 28
(b) whether further adjustments or action could be considered by the principal or other staff of the school to better support the student in relation to the student’s disability at the school.	29 30 31 32 33
<i>Notes—</i>	34
1 See section 280 of the Act, definition <i>disability</i> .	35

[s 120]

2	See also the <i>Disability Discrimination Act 1992</i> (Cwlth), section 22 and the <i>Disability Standards for Education 2005</i> (Cwlth).	1 2 3
(5)	For an Aboriginal student or a Torres Strait Islander student, the matters include—	4 5
(a)	whether the cultural background of the student, as an Aboriginal person or Torres Strait Islander person, has been sufficiently recognised and supported in the school environment; and	6 7 8 9 10
(b)	whether further steps could be taken to better recognise and support the student's cultural background in the school environment.	11 12 13 14
(6)	In this section— <i>suspension behaviour</i> , in relation to a student, means the conduct of the student that forms the basis of a ground for suspension of the student.	15 16 17 18
60E	Period for giving notice about suspension—Act, s 283	19 20
	For section 283(4) of the Act, the period prescribed is 1 school day after the principal tells the student about the suspension.	21 22 23
60F	Period for making submission against suspension—Act, s 285	24 25
	For section 285(4)(c) of the Act, the period prescribed is 20 school days after the principal gives the student a notice about the suspension under section 283(4) of the Act.	26 27 28 29
60G	Period for dealing with submission against suspension and related matters—Act, s 286	30 31
	For section 286(2), (3) and (4) of the Act, the	32

period prescribed is 40 school days after the chief executive receives the submission.	1 2
60H Period for deciding whether to propose to exclude student after charge dealt with and related matters—Act, s 288	3 4 5
For section 288(2), (4) and (5) of the Act, the period prescribed is 5 school days after the principal becomes aware the charge has been dealt with.	6 7 8 9
60I Period for telling student and giving notice about suspension on charge-related ground ending early—Act, s 289	10 11 12
(1) For section 289(3) of the Act, the period prescribed is 1 school day after the principal decides to end the suspension.	13 14 15
(2) For section 289(4) of the Act, the period prescribed is 5 school days after the principal tells the student about the decision to end the suspension.	16 17 18 19
60J Matters to be considered by principal before excluding student on particular grounds—Act, s 292	20 21 22
(1) For section 292(2) of the Act, this section prescribes the matters the principal must consider before excluding a student on a ground mentioned in section 292(1) of the Act.	23 24 25 26
(2) The matters are—	27
(a) the seriousness and frequency of the student’s exclusion behaviour; and	28 29
(b) the safety and wellbeing of other students and of staff of the school; and	30 31

[s 120]

- (c) other action the principal could take to adequately deal with the student's exclusion behaviour but still allow the student to attend or remain enrolled at the school; and
Examples of other action—
detention, suspension
- (d) the student's previous behaviour at the school; and
- (e) any previous action taken by the principal or other staff of the school to deal with disobedience, misbehaviour or other negative behaviour of the student; and
- (f) any suspensions or exclusions given to the student in relation to the school within the previous 14 months; and
- (g) the student's response to any action mentioned in paragraph (e) or (f); and
- (h) any other matters applying in relation to the student under subsection (3), (4) or (5).
- (3) Without limiting subsection (2)(c), for a student who has an education support plan or a student support plan, the matters include whether the plan sufficiently supports the student or could be changed to better support the student.
- (4) For a student with disability that is relevant to the exclusion behaviour, the matters include—
- (a) adjustments made or other action taken to support the student in relation to the student's disability at the school; and
- (b) whether further adjustments or action could be considered by the principal or other staff of the school to better support the student in relation to the student's disability at the school.

<i>Notes—</i>	1
1 See section 280 of the Act, definition <i>disability</i> .	2
2 See also the <i>Disability Discrimination Act 1992</i> (Cwlth), section 22 and the <i>Disability Standards for Education 2005</i> (Cwlth).	3 4 5
(5) For an Aboriginal student or a Torres Strait Islander student, the matters include—	6 7
(a) whether the cultural background of the student, as an Aboriginal person or Torres Strait Islander person, has been sufficiently recognised and supported in the school environment; and	8 9 10 11 12
(b) whether further steps could be taken to better recognise and support the student’s cultural background in the school environment.	13 14 15 16
(6) In this section—	17
<i>exclusion behaviour</i> , in relation to a student, means the conduct of the student that forms the basis of a ground for exclusion of the student.	18 19 20
60K Period for giving notice of proposed exclusion and suspension pending exclusion—Act, s 293	21 22 23
For section 293(5) of the Act, the period prescribed is 1 school day after the principal tells the student about the proposed exclusion and suspension.	24 25 26 27
60L Period for deciding whether to exclude student, telling student and giving notice—Act, s 295	28 29 30
For section 295(1), (2), (3) and (6) of the Act, the period prescribed is 20 school days after the principal gives the student a notice under section	31 32 33

[s 120]

293(5) of the Act. 1

**60M Matters to be considered by chief executive
before excluding student on particular
grounds—Act, s 299** 2
3
4

(1) For section 299(2) of the Act, this section 5
prescribes the matters the chief executive must 6
consider before excluding a student on a ground 7
mentioned in section 299(1) of the Act. 8

(2) The matters are— 9

(a) the seriousness and frequency of the 10
student’s exclusion behaviour; and 11

(b) the safety and wellbeing of other students 12
and of staff of the schools; and 13

(c) other action the chief executive could take to 14
adequately deal with the student’s exclusion 15
behaviour but still allow the student to 16
attend, or remain enrolled at, at least 1 of the 17
schools; and 18

Examples of other action— 19

exclusion from only 1 school, suspension 20

(d) the student’s previous behaviour, of which 21
the chief executive is aware, at a State 22
school the student has attended; and 23

(e) any previous action, of which the chief 24
executive is aware, taken by a public service 25
employee in the department to deal with 26
disobedience, misbehaviour or other 27
negative behaviour of the student; and 28

Example— 29

detention of the student for misbehaviour given by 30
the principal of a State school the student attended 31

(f) any suspensions or exclusions given to the 32
student in relation to a State school; and 33

-
- (g) the student's response to any action mentioned in paragraph (e) or (f); and 1
2
- (h) any other matters applying in relation to the student under subsection (3), (4) or (5). 3
4
- (3) Without limiting subsection (2)(c), for a student who has an education support plan or a student support plan, the matters include whether the plan sufficiently supports the student or could be changed to better support the student. 5
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- (4) For a student with disability that is relevant to the exclusion behaviour, the matters include— 10
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- (a) adjustments made or other action taken to support the student in relation to the student's disability at the most recent State school the student attended; and 12
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- (b) whether further adjustments or action could be considered by staff of a State school to better support the student in relation to the student's disability at the school. 16
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- Notes—* 20
- 1 See section 280 of the Act, definition *disability*. 21
- 2 See also the *Disability Discrimination Act 1992* (Cwlth), section 22 and the *Disability Standards for Education 2005* (Cwlth). 22
23
24
- (5) For an Aboriginal student or a Torres Strait Islander student, the matters include— 25
26
- (a) whether the cultural background of the student, as an Aboriginal person or Torres Strait Islander person, has been sufficiently recognised and supported in the school environment; and 27
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31
- (b) whether further steps could be taken to better recognise and support the student's cultural background in the school environment. 32
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35

[s 121]

(6)	In this section—	1
	<i>exclusion behaviour</i> , in relation to a student,	2
	means the conduct of the student that forms the	3
	basis of a ground for exclusion of the student.	4
	60N Minimum show cause period for cancellation of enrolment—Act, s 317	5 6
	For section 317(3) of the Act, the period	7
	prescribed is 30 school days.	8
	60O Minimum period for making submission against cancellation of enrolment—Act, ss 318B and 319	9 10 11
	For sections 318B(3)(b) and 319(3)(b) of the Act,	12
	the period prescribed is 30 school days after the	13
	student receives the notice under section 318B(3)	14
	of the Act.	15
	60P Period for dealing with submission against cancellation of enrolment, telling student and principal and giving notice—Act, s 320	16 17 18
	For section 320(2), (3) and (4) of the Act, the	19
	period prescribed is 20 school days after the chief	20
	executive receives the submission.	21
Clause 121	Amendment of sch 6 (Dictionary)	22
	Schedule 6—	23
	<i>insert—</i>	24
	<i>education support plan</i> , for part 7B, see section	25
	60C.	26
	<i>out-of-home care</i> , for part 7B, see section 60C.	27

Part 6 **Amendment of Public Health Act 2005** 1
2

Clause 122 Act amended 3
This part amends the *Public Health Act 2005*. 4

Clause 123 Amendment of s 158 (Definitions for ch 5) 5
(1) Section 158— 6
insert— 7
State school kindergarten program means a State 8
school kindergarten program provided at a 9
prescribed State school under the *Education* 10
(*General Provisions*) Act 2006, section 419A. 11
(2) Section 158, definition *person in charge*, paragraph (a), after 12
'a school,'— 13
insert— 14
including a State school kindergarten program 15
provided at a school, 16

Clause 124 Amendment of s 160B (When person in charge may exclude child not yet enrolled) 17
(1) Section 160B(1), 'or QEC approved service'— 18
omit, insert— 19
, a QEC approved service or a State school 20
kindergarten program 21
(2) Section 160B(1)(a), after 'service'— 22
insert— 23
or in the program 24
(3) Section 160B(1)(b), after 'service'— 25
insert— 26
27

[s 125]

	or program	1
(4)	Section 160B(1)(c)—	2
	<i>omit, insert—</i>	3
	(c) impose a condition on a child’s enrolment at the service or in the program, or a child’s attendance at the service or at the program, until an immunisation history statement stating that the child has the immunisation status “up to date” is given to a person in charge of the service or program.	4 5 6 7 8 9 10
(5)	Section 160B(2)(a), from ‘service requests’ to ‘at the service’—	11 12
	<i>omit, insert—</i>	13
	service or program requests a parent intending to enrol the child at the service or in the program	14 15
(6)	Section 160B(3), after ‘service’—	16
	<i>insert—</i>	17
	or at the school that provides the program	18
(7)	Section 160B(4)(b), from ‘at the service’ to ‘of the service’—	19
	<i>omit, insert—</i>	20
	at the service or in the program will be cancelled if a parent of the child does not give a person in charge of the service or program	21 22 23
Clause 125	Amendment of s 160C (When person in charge may exclude enrolled child)	24 25
(1)	Section 160C(1), ‘or QEC approved service’—	26
	<i>omit, insert—</i>	27
	, a QEC approved service or a State school kindergarten program	28 29
(2)	Section 160C(1)(a), after ‘service’—	30

<i>insert—</i>	1
or, if the child is enrolled in a State school kindergarten program, exclude the child from the program and the school at which the program is provided	2 3 4 5
(3) Section 160C(1)(b) and (c)—	6
<i>omit, insert—</i>	7
(b) refuse to allow a child enrolled at the service or in the program to attend the service or program until an immunisation history statement stating that the child has the immunisation status “up to date” is given to a person in charge of the service or program;	8 9 10 11 12 13
(c) impose a condition on a child’s enrolment at the service or in the program, or a child’s attendance at the service or at the program, until an immunisation history statement stating that the child has the immunisation status “up to date” is given to a person in charge of the service or program.	14 15 16 17 18 19 20
(4) Section 160C(2)(a), after ‘service’—	21
<i>insert—</i>	22
or program	23
Clause 126 Amendment of s 160D (Immunisation status of children allowed to attend without statement)	24 25
(1) Section 160D(1), ‘or QEC approved service’—	26
<i>omit, insert—</i>	27
, a QEC approved service or a State school kindergarten program	28 29
(2) Section 160D(1)(b) and (2), after ‘service’—	30
<i>insert—</i>	31
or program	32

[s 127]

Clause 127	Amendment of s 179 (Protection for persons acting under pt 2)	1 2	
(1)	Section 179(1A), ‘or QEC approved service’— <i>omit, insert—</i> , a QEC approved service or a State school kindergarten program	3 4 5 6	
(2)	Section 179(1A)(b), from ‘enrol a child’ to ‘the service’— <i>omit, insert—</i> enrol a child at the service or in the program, or allow a child to attend the service or program,	7 8 9 10	
Clause 128	Insertion of new ch 12, pt 11	11	
	Chapter 12— <i>insert—</i>	12 13	
	Part 11	Transitional provisions for Education (General Provisions) and Other Legislation Amendment Act 2024	14 15 16 17 18
	519 Definitions for part	19	
	In this part—	20	
	<i>former</i> , for a provision of an Act, means the provision as in force from time to time before the commencement.	21 22 23	
	<i>relevant service</i> means an education and care service that was a kindergarten learning program provided at a prescribed State school under the <i>Education (General Provisions) Act 2006</i> , former section 419A.	24 25 26 27 28	
	<i>State school kindergarten program</i> see section	29	

158.	1
520 Existing refusals and conditions under former s 160B	2 3
(1) This section applies if—	4
(a) before the commencement, a person in charge of a relevant service took any of the following actions under former section 160B in relation to a child—	5 6 7 8
(i) refused to enrol the child at the service;	9
(ii) refused to allow the child to attend the service;	10 11
(iii) imposed a condition on the child's enrolment or attendance at the service; and	12 13 14
(b) immediately before the commencement, the refusal or condition was still in effect.	15 16
(2) From the commencement, the refusal or condition—	17 18
(a) continues to apply in relation to the child as if it were made or imposed under new section 160B in relation to the child's enrolment in or attendance at the State school kindergarten program provided at the school that provided the relevant service; and	19 20 21 22 23 24 25
(b) is taken to be an action taken by the person in charge of the State school kindergarten program.	26 27 28
521 Existing requests under former s 160B	29
(1) This section applies if—	30

[s 128]

- (a) before the commencement, a person in charge of a relevant service made a request under former section 160B(2)(a) that the parent of a child provide an immunisation history statement for the child that complied with former section 160B(2)(a); and
- (b) immediately before the commencement, a person in charge of the relevant service had not—
 - (i) received the statement; or
 - (ii) taken an action under former section 160B(1) in relation to the child.
- (2) From the commencement, for the purpose of taking an action under new section 160B(1) in relation to the child, the request is taken to have been made under new section 160B(2)(a) by the person in charge of the State school kindergarten program provided at the school that provided the relevant service.

522 Existing exclusions etc. from relevant service under former s 160C

- (1) This section applies if—
 - (a) before the commencement, a person in charge of a relevant service took any of the following actions under former section 160C in relation to a child—
 - (i) cancelled the child’s enrolment at the service;
 - (ii) refused to allow the child to attend the service;
 - (iii) imposed a condition on the child’s enrolment or attendance at the service; and

-
- (b) immediately before the commencement, the refusal or condition was still in effect. 1
2
 - (2) From the commencement, the refusal or condition— 3
4
 - (a) continues to apply in relation to the child as if it were made or imposed under new section 160C in relation to the child's enrolment in or attendance at the State school kindergarten program provided at the school that provided the relevant service; and 5
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 - (b) is taken to be an action taken by the person in charge of the State school kindergarten program. 12
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523 Existing requests under former s 160C 15

- (1) This section applies if— 16
 - (a) before the commencement, a person in charge of a relevant service made a request under former section 160C(2)(a) that the parent of a child provide an immunisation history statement for the child that complied with former section 160C(2)(a); and 17
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22
 - (b) immediately before the commencement, a person in charge of the relevant service had not— 23
24
25
 - (i) received the statement; or 26
 - (ii) taken an action under former section 160C(1) in relation to the child. 27
28
- (2) From the commencement, for the purpose of taking an action under new section 160C(1) in relation to the child, the request is taken to have been made under new section 160C(2)(a) by the person in charge of the State school kindergarten program provided at the school that provided the 29
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[s 128]

relevant service. 1

524 Immunisation status of child under new s 160D 2

(1) This section applies if, immediately before the commencement, former section 160D(2) applied in relation to a child enrolled in or allowed to attend a relevant service. 3
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(2) From the commencement, new section 160D(2) applies in relation to the child until the day an immunisation history statement that complies with new section 160D(2) is given to the person in charge of the State school kindergarten program provided at the school that provided the relevant service. 7
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525 Existing directions under s 164, 166 or 169 14

(1) This section applies if— 15

(a) before the commencement, a person in charge of a relevant service gave a direction under section 164, 166 or 169 to a child's parent to remove the child from the relevant service and to not send the child to the service during the prescribed period for a contagious condition; and 16
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(b) immediately before the commencement, the direction was still in effect. 23
24

(2) From the commencement, the direction continues to apply in relation to the child as if the direction were given under section 164, 166 or 169 in relation to the child's attendance at the school at which the relevant service was provided. 25
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526 Existing steps taken before direction in relation to relevant service 30
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(1) This section applies if, before the 32

commencement—	1
(a) a person in charge of a relevant service—	2
(i) gave a parent of a child attending the	3
service advice under section 163(2) or	4
165(2) in relation to the child’s	5
attendance at the service; or	6
(ii) consulted a doctor or another person	7
under section 164(3) or 166(3) in	8
relation to the child’s attendance at the	9
service; or	10
(b) a parent of a child attending the relevant	11
service told a person in charge of the	12
relevant service that the parent’s child would	13
continue to attend the service as mentioned	14
in section 164(1)(b) or 166(1)(b).	15
(2) From the commencement, for the purpose of	16
giving a direction under section 164, 166 or 169 in	17
relation to the child’s attendance at the school at	18
which the relevant service was provided—	19
(a) advice given as mentioned in subsection	20
(1)(a)(i) or (b) is taken to be advice given	21
about the child attending the school that	22
provided the relevant service; and	23
(b) if the consultation mentioned in subsection	24
(1)(a)(ii) was carried out by a person who,	25
after the commencement, is also the person	26
in charge of the school, the consultation is	27
taken to have been carried out by that person	28
as the person in charge of the school and in	29
relation to the child’s attendance at the	30
school.	31
527 Existing arrangements for examinations under	32
s 167 for relevant service	33
(1) This section applies if—	34

[s 128]

- (a) before the commencement, the chief executive arranged an examination of children attending a relevant service under section 167; and
 - (b) immediately before the commencement, the examination had not been completed.
- (2) The examination may be carried out as if the examination were arranged for the children as children of the school at which the relevant service was provided.

528 Existing steps taken before arranging examination under s 167 for relevant service

- (1) This section applies if, before the commencement, the chief executive took any of the following actions in relation to a relevant service—
- (a) consulted the person in charge of the service under section 167(1)(b) about an examination of children attending the service;
 - (b) gave the person in charge of the service notice under section 167(3) about an examination;
 - (c) gave a parent of a child attending the service advice under section 168 about an examination.
- (2) From the commencement, for the purpose of arranging an examination under section 167 of children who attended the relevant service before the commencement—
- (a) consultation mentioned in subsection (1)(a) is taken to be consultation with the person in charge of the school at which the relevant service was provided; and

-
- (b) notice mentioned in subsection (1)(b) is taken to be notice given to the person in charge of the school at which the relevant service was provided; and
- (c) advice mentioned in subsection (1)(c) is taken to be advice given about the examination of the child in relation to the school at which the relevant service was provided.

529 Existing directions given by chief executive under s 169

- (1) This section applies if—
- (a) before the commencement, the chief executive gave a direction under section 169(2) to a person in charge of a relevant service requiring the person to direct the parent of a child attending the service to remove the child from, and not to send the child to, the service for the prescribed period for a contagious condition; and
- (b) immediately before the commencement, the person in charge of the relevant service had not complied with the direction given by chief executive.
- (2) From the commencement, section 169(3) applies to the person in charge of the relevant service as if the direction given by the chief executive had required the person to direct the parent of the child to remove the child from, and not to send the child to, the school at which the relevant service was provided for the prescribed period for the contagious condition.

[s 128]

530 Existing examinations or advice before direction given by chief executive under s 169	1 2
(1) This section applies if, before the commencement—	3 4
(a) a child attending a relevant service was examined under section 167; or	5 6
(b) the chief executive gave a parent of a child attending a relevant service advice under section 168 about an examination of the child under section 167.	7 8 9 10
(2) From the commencement, for the purpose of giving a direction under section 169 to the person in charge of the school at which the relevant service was provided—	11 12 13 14
(a) the examination is taken to be an examination of the child as a child attending the school at which the relevant service was provided; and	15 16 17 18
(b) the advice is taken to be advice given about the examination of the child in relation to the school at which the relevant service was provided.	19 20 21 22
531 Readmission of child under s 171 if direction given by person in charge of relevant service	23 24
(1) This section applies in relation to a child who, immediately before the commencement, was not attending a relevant service because of a direction given under section 164, 166 or 169 by the person in charge of the service.	25 26 27 28 29
(2) Section 171 applies in relation to the readmission of the child to the school at which the relevant service was provided as if the direction had been given by the person in charge of the school.	30 31 32 33

532 Existing requirements made by chief executive under s 172 in relation to relevant service	1 2
(1) This section applies if—	3
(a) before the commencement, the chief executive required a person in charge of a relevant service to give the chief executive information under section 172; and	4 5 6 7
(b) immediately before the commencement, the person in charge of the relevant service had not complied with the requirement.	8 9 10
(2) Section 172 continues to apply in relation to the requirement made by the chief executive as if the relevant service were still an education and care service.	11 12 13 14
533 Existing requests for health information under s 173	15 16
(1) Subsection (2) applies if—	17
(a) before the commencement, a person in charge of a relevant service asked for health information to be provided to the person under section 173(1); and	18 19 20 21
(b) immediately before the commencement, the person who was asked to provide the health information had not provided it to the person in charge of the relevant service.	22 23 24 25
(2) From the commencement, section 173(2) applies to the person who was asked to provide the health information as if the request had been made by the person in charge of the school at which the relevant service was provided.	26 27 28 29 30
(3) Subsection (4) applies if—	31
(a) before the commencement, a person in charge of a relevant service asked for information under section 173(3); and	32 33 34

[s 129]

	(b) immediately before the commencement, the chief executive had not given the person the information.	1 2 3
	(4) From the commencement, section 173(4) applies to the chief executive as if the request to provide the information had been made by the person in charge of the school at which the relevant service was provided.	4 5 6 7 8
Clause 129	Amendment of sch 2 (Dictionary)	9
	(1) Schedule 2— <i>insert—</i>	10 11
	<i>State school kindergarten program</i> , for chapter 5, see section 158.	12 13
	(2) Schedule 2, definition <i>person in charge</i> , paragraph (a), after ‘a school,’— <i>insert—</i>	14 15 16
	including a State school kindergarten program provided at a school,	17 18
Part 7	Amendment of Working with Children (Risk Management and Screening) Act 2000	19 20 21
Clause 130	Act amended	22
	This part amends the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	23 24
Clause 131	Amendment of sch 1 (Regulated employment and businesses for employment screening)	25 26
	(1) Schedule 1, section 8(1)(a), after ‘section’—	27

insert—

1

163A,

2

(2) Schedule 1, section 19(a)(i), from ‘section’—

3

omit, insert—

4

section 163A, 284, 294, 301, 304 or 310; or

5

Part 8

Other amendments

6

Clause 132 Legislation amended

7

Schedule 1 amends the legislation it mentions.

8

Schedule 1	Other amendments	1
	section 132	2
Part 1	Amendments commencing on assent	3
		4
	Child Protection Act 1999	5
1	Section 159M, definition <i>prescribed entity</i>, paragraph (e), ‘Education (Accreditation of Non-State Schools) Act 2001’—	6
		7
		8
	<i>omit, insert—</i>	9
	<i>Education (Accreditation of Non-State Schools) Act 2017</i>	10
		11
	Education (General Provisions) Act 2006	12
1	Section 5(1)(a)(i), ‘his or her educational potential’—	13
	<i>omit, insert—</i>	14
	the educational potential of the child or young person	15
		16
2	Section 5(1)(a)(ii), ‘him or her’—	17
	<i>omit, insert—</i>	18
	the child or young person	19

3	Section 5(2)(d), ‘his or her’— <i>omit, insert—</i> their	1 2 3
4	Section 75(2), ‘their current residential address’— <i>omit, insert—</i> the current residential address of each parent	4 5 6
5	Section 75(3), example, ‘his or her’— <i>omit, insert—</i> the student’s	7 8 9
6	Section 124(1)(b), ‘his or her’— <i>omit.</i>	10 11
7	Section 168(4), example, ‘his or her’— <i>omit, insert—</i> the student’s	12 13 14
8	Section 182(5), example, ‘his or her’— <i>omit, insert—</i> the student’s	15 16 17
9	Section 330(2), ‘their current residential address’— <i>omit, insert—</i> the current residential address of each parent	18 19 20
10	Section 330(3), example, ‘his or her’— <i>omit, insert—</i>	21 22

Schedule 1

	the student's	1
11	Section 421, heading, 'certain'—	2
	<i>omit, insert—</i>	3
	particular	4
12	Section 421(1), 'his or her'—	5
	<i>omit, insert—</i>	6
	the student's	7
13	Section 421(2)(a), after 'paying to the'—	8
	<i>insert—</i>	9
	eligible	10
14	Section 421(3), definition <i>eligible student</i>, paragraph (b), 'by a means'—	11
	<i>omit, insert—</i>	12
	in a way	13
		14
15	Section 424(2), example, 'his or her'—	15
	<i>omit, insert—</i>	16
	the child's	17
16	Section 425(2), example, 'his or her'—	18
	<i>omit, insert—</i>	19
	the person's	20
17	Section 426(2), 'This section also'—	21
	<i>omit, insert—</i>	22
	Also, this section	23

18	Section 426(3), ‘This section also’—	1
	<i>omit, insert—</i>	2
	Further, this section	3
19	Section 426(4)(d), ‘subsection (4A)’—	4
	<i>omit, insert—</i>	5
	subsection (5)	6
20	Section 426(4)(e), ‘he or she is’—	7
	<i>omit.</i>	8
21	Section 426(4A) and (5)—	9
	<i>renumber</i> as section 426(5) and (6).	10
22	Schedule 4, definition <i>relevant person</i>—	11
	<i>omit.</i>	12
23	Schedule 4—	13
	<i>insert—</i>	14
	<i>relevant person</i> —	15
	(a) for chapter 12, part 10—see section 364; or	16
	(b) for a student of a State school or non-State school, for chapter 14—see section 383.	17 18
	<i>sexual abuse</i> , in relation to a relevant person, for chapter 12, part 10, see section 364.	19 20
24	Schedule 4, definition <i>full-time</i>, paragraph (a), ‘VETE Act’—	21 22
	<i>omit, insert—</i>	23
	<i>Further Education and Training Act 2014</i>	24

Schedule 1

25	Schedule 4, definition <i>participating</i>, paragraph (a), ‘VETE Act’—	1
	<i>omit, insert—</i>	2
	<i>Further Education and Training Act 2014</i>	3
		4
Part 2	Amendments commencing by proclamation	5
		6
	Education (General Provisions) Act 2006	7
1	Section 163, ‘section 162(4)’—	8
	<i>omit, insert—</i>	9
	section 162(3)	10
2	Section 197(6), definition <i>review decision</i>, ‘section 392(2)’—	11
	<i>omit, insert—</i>	12
	section 392(6)	13
		14
3	Section 305(b), ‘section 159’—	15
	<i>omit, insert—</i>	16
	section 158(3)	17
4	Section 311, ‘309(5)’—	18
	<i>omit, insert—</i>	19
	309(4)	20

5	Section 312(2)(a), ‘section 295(5), 302(5) or 309(5)’— <i>omit, insert—</i> section 295(6), 302(6) or 309(4)	1 2 3
6	Section 313(3) and (4), ‘309(5)’— <i>omit, insert—</i> 309(4)	4 5 6
7	Section 315(5)(c), ‘section 292(2) or 299(2)’— <i>omit, insert—</i> section 292(4) or 299(4)	7 8 9
8	Chapter 15, part 4, heading, ‘302(3) or 309(3)’— <i>omit, insert—</i> 302(4) or 309(2)	10 11 12
9	Section 401, definition <i>aggrieved person</i>, paragraph (b), ‘section 302(3) or 309(3)’— <i>omit, insert—</i> section 302(4) or 309(2)	13 14 15 16
10	Section 429B, heading, after ‘1991’— <i>insert—</i> —mature age student provisions	17 18 19