

YOUTH PARTICIPATION IN EDUCATION AND TRAINING BILL 2003

EXPLANATORY NOTES

FOR

AMENDMENTS TO BE MOVED IN COMMITTEE BY THE HONOURABLE ANNA BLIGH MP

Title of the Bill

Youth Participation in Education and Training Bill 2003

Objectives of the Amendment

There are three objectives of these amendments:

1. to commence on assent the grants power to be included into the *Education (General Provisions) Act 1989*;
2. to make transitional provisions for young people who turn 15 in 2005 and who would be inadvertently captured by the new compulsory participation requirements commencing in 2006; and
3. to remove the omission of the cancellation of enrolment provisions in the *Education (General Provisions) Act 1989*.

The third objective is a result of feedback from principals about the usefulness of the cancellation provisions in addressing participation issues with students, this amendment in committee is being made to ensure that the power is retained, pending a review of the *Education (General Provisions) Act 1989*. In recognition of the need to explore a range of options for young people prior to cancellation and the need to ensure a young person's entitlement to education, a policy, which supports the legislation will be developed to detail the steps that must be taken prior to a principal cancelling a student's enrolment.

Achievement of the Objectives

To meet the first objective, the amendment in committee amends the commencement clause to commence the grants power on assent.

To meet the second objective, the amendment will ensure that these young people who turn 15 in 2005 are only subject to the existing requirement of the *Education (General Provisions) Act 1989* to remain in school until they are 15 years.

To meet the third objective, the amendment removes the omission of the cancellation of enrolment provision to allow these provisions to remain in the *Education (General Provisions) Act 1989* in their current form.

Consistency with Fundamental Legislative Principles

The clause does not infringe on any fundamental legislative principles.

Consultation

The amendments relating to the first and second objectives are of a technical nature, not requiring consultation.

The amendments relating to the third objective has been determined following feedback from state secondary principals and in consultation with the Queensland Secondary Principals' Association.

NOTES ON PROVISIONS

Clause 1 and 2 of the amendment in committee amends clause 2 of the Bill, which is the commencement provision. The effect of these clauses of the amendment in committee is that clause 2 of the Bill will provide that clause 82 of the Bill will commence on assent. Clause 82 inserts a new section 142B into the *Education (General Provisions) Act 1989*. The new section 142B provides the Minister with power to grant monies to an entity for the purpose of helping children to achieve their best learning outcomes or to promoting the re-engagement of children in education and training.

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These amendments will allow grants to be paid, under the grants program for the trials, to entities that are not schools for the purpose of achieving the objectives of the reforms.

Clause 3 of the amendment in committee will insert a new clause 59A into the Bill before clause 60. Clause 59A will insert a transitional provision into the Bill, relevant to young people who turn 15 in 2005. These young people will have stopped being of compulsory school age before the commencement of the new requirement to stay at school until 16 or completion of Year 10.

Without this provision, a young person could turn 15 in October 2005, for instance, and lawfully leave school before completing Year 10. Under the new requirement commencing in 2006, this young person could then be required to return to school to complete Year 10 or until they turn 16. If they do not, the parent could be liable to prosecution for failure to meet their obligation.

This amendment should be read in conjunction with the amendment proposed in clauses 6 and 7 of the amendment in committee.

Clause 4 of the amendment in committee will amend clause 84 of the Bill to remove the proposed omission of the definitions of “cancel” and “person under a cancellation”. These definitions were going to be removed when it was proposed that the power to cancel the enrolment of students above compulsory school age be removed (by clauses 86-89 of the Bill) having the effect of omitting sections 39-42 of the *Education (General Provisions) Act 1989*.

The remaining operation of clause 84 (replacing the definition “compulsory school age”) is unrelated to the cancellation of enrolment provisions.

Clause 5 of the amendment in committee removes the proposed clauses 86-89. These clauses were to have the effect of omitting sections 39—42 in Part 4, Division 4 of the *Education (General Provisions) Act 1989*. Part 4, Division 4 provides for the cancellation of enrolment of students above the compulsory school age. The omission of these clauses (86-89) by this amendment in committee will mean that this power to cancel the enrolment of students above compulsory school age will continue to operate, pending a review of the *Education (General Provisions) Act 1989*.

Clause 6 of the amendment in committee inserts a new clause 93A into the Bill. Clause 93A will insert into the *Education (General Provisions) Act 1989* a new section 166E to provide transitional provisions relevant to young people who turn 15 in 2005.

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It is important to make this transitional provision to rectify this inadvertent consequence of the new requirement for young people who turn 15 in 2005. It was always the intention that the commencement of the new requirement be delayed until 2006 to give the young people affected, and their parents, the opportunity to adjust to the new requirement.

Clause 7 of the amendment in committee amends Schedule 2 of the Bill. Schedule 2 is the dictionary, and clause 7 will insert a note to the definition of compulsory school age. The note will alert the reader to the existence of section 166E, inserted by clause 6 above.