

Grammar Schools Regulation 2016

Explanatory notes for SL 2016 No. 228

made under the

Grammar Schools Act 2016

General Outline

Authorising law

Sections 54 and 60 of the *Grammar Schools Act 2016*

Policy objectives and the reasons for them

The *Grammar Schools Act 1975* and the *Grammar Schools Regulation 2004* provide a framework for the establishment and regulation of Queensland's eight grammar schools. Each grammar school is governed by a board of trustees, which are statutory bodies. The eight grammar schools are:

- Brisbane Girls' Grammar School;
- Brisbane Grammar School;
- Ipswich Girls' Grammar School including Ipswich Junior Grammar School;
- Ipswich Grammar School;
- Rockhampton Girls' Grammar School;
- The Rockhampton Grammar School;
- Toowoomba Grammar School; and
- Townsville Grammar School.

The Department of Education and Training undertook a review of the legislative scheme in consultation with grammar schools to consider whether it continued to meet the contemporary needs of the schools. The review culminated in the passage of the *Grammar Schools Act 2016* (the Act), which received royal assent on 20 October 2016.

The Act will replace the *Grammar Schools Act 1975* with modern legislation that meets the contemporary needs of grammar schools; reduces red tape on the schools; removes prescriptive requirements regarding financial accountability of grammar schools; and removes the ability to establish additional grammar schools in the future.

Under the Act, each grammar school board will include three members elected by the school community. This is consistent with the governance arrangements under the current

legislation. A person is eligible to vote in the election of these members provided they have donated the prescribed electoral eligibility amount.

The Act provides for certain matters to be prescribed by regulation, including particulars regarding the register of donors and matters regarding the elections of members of the board of trustees and the electoral eligibility amounts.

Achievement of policy objectives

The *Grammar Schools Regulation 2016* (the Regulation) achieves its policy objectives by prescribing:

- the particulars to be kept in the register of donors;
- the electoral eligibility amounts; and
- the process for the conduct of an election of elected members to a grammar school board.

The Regulation is generally consistent with the *Grammar School Regulation 2004*. However, the Regulation removes the existing restriction requiring elections to be conducted by paper ballot. It will enable grammar school boards to decide to conduct elections via paper or electronic ballot, for example, via email or by engaging an electronic voting company.

The other major reform implemented in the Regulation, combined with section 54 of the Act, means that the secretary of a grammar school board will not need to notify an eligible voter of an election if the board no longer has a current address for the person, provided reasonable attempts have been made to contact the person.

Consistency with policy objectives of authorising law

The Regulation is consistent with the Authorising Act.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the objectives of other legislation.

Benefits and costs of implementation

The Regulation will not result in any additional costs to Government. Allowing for electronic voting may have cost savings for the grammar school boards.

Alternative ways of achieving policy objectives

There are no alternative means of achieving the policy objective.

Consistency with fundamental legislative principles

The Regulation raises no issues with regard to fundamental legislative principles.

Consultation

The eight Queensland grammar school boards were consulted during the review of the legislative regime and were provided a copy of the draft Regulation. No issues were raised in relation to the Regulation.

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