

Grammar Schools Bill 2016



Queensland

Grammar Schools Bill 2016

		Page
Part 1	Preliminary	
Division 1	Introduction	
1	Short title	6
2	Commencement	6
3	Main purpose of Act and its achievement	6
4	Act binds all persons	6
Division 2	Interpretation	
5	Definitions	6
6	Meaning of grammar school	7
Part 2	Boards of trustees	
Division 1	Establishment	
7	Establishment generally	7
8	Legal status	7
9	Relationship with State	7
10	Application of other Acts	8
Division 2	Functions	
11	Functions	8
Division 3	Powers	
12	General powers	9
13	Power to make by-laws	9
Division 4	Membership	
14	Members	10
15	Elections	11
16	Term of appointment	11
17	Chairperson and deputy chairperson	12
18	Disqualification as member	12
19	Vacancy in office of member	13

Grammar Schools Bill 2016

20	Leave of absence	15
Division 5	Criminal history	
21	Criminal history report	15
22	Criminal history reports confidential	16
23	Changes in criminal history must be disclosed	17
Division 6	Financial matters	
24	Budget	17
25	Establishment of trust funds	17
26	Establishment of investment common funds	17
27	Management of investment common funds	18
Part 3	Staff and business of boards	
Division 1	Staff	
28	Employment of staff	18
Division 2	Business and meetings	
29	Conduct of business	19
30	Quorum	19
31	Conduct of meetings	19
32	Validity of decisions	20
33	Authentication of documents	20
Division 3	Interaction between Minister and boards	
34	Board must notify Minister about financial viability	21
35	Minister may require information or documents	21
36	Minister may give directions	22
Part 4	Administrators	
Division 1	Appointment	
37	Appointment	23
38	Basis for appointment	23
39	Notice of proposed appointment	23
40	Suitability of proposed appointee	24
41	Terms of appointment	25
42	Notice to parents about appointment	25
43	Variation of appointment	25
44	Early ending of appointment	25
45	Replacement of administrator	26
Division 2	Conduct of administration	
46	Application of division	26

47	Administrator's powers and functions	26
48	Direction by Minister	27
49	Effect on the board	27
50	Reports	27
Part 5	Miscellaneous	
Division 1	Offences and liability	
51	Offences relating to non-grammar schools	27
52	Summary proceedings for offences	28
53	Money borrowed other than under Statutory Bodies Financial Arrangements Act 1982	28
Division 2	Funding and donations	
54	Register of donors	29
55	Donation of property other than money	30
Division 3	Other matters	
56	Name under which grammar schools operate	30
57	No religious affiliation	30
58	Disposal of assets on discontinuing a grammar school	30
59	Delegations	31
60	Regulation-making power	32
Part 6	Repeal and transitional provisions	
Division 1	Repeal provision	
61	Repeal	32
Division 2	Transitional provisions	
62	Definition for division	32
63	Continuation of boards	33
64	Amounts previously donated or subscribed	33
65	Eligible persons	33
66	Continuation of by-laws	33
67	Board member not disqualified under repealed Act	34
68	Application of repealed Act for illegal borrowing	34
69	Application of s 51	34
Part 7	Amendment of this Act and other Acts	
Division 1	Amendment of this Act	
70	Act amended	35
71	Amendment of long title	35
Division 2	Amendment of Education (Accreditation of Non-State Schools) A	ct

	2001	
72	Act amended	35
73	Amendment of s 70B (Notice to Minister about action taken in relation a grammar school)	to 36
Division 3	Amendment of Fair Work (Commonwealth Powers) and Other Provisions Act 2009	
74	Act amended	36
75	Amendment of sch 1 (Other entities that are not public sector employe	ers)
		36
Division 4	Amendment of Information Privacy Act 2009	
76	Act amended	36
77	Amendment of sch 2 (Entities to which the privacy principles do not apply)	36
Division 5	Amendment of Right to Information Act 2009	
78	Act amended	37
79	Amendment of sch 2 (Entities to which this Act does not apply) .	37
Schedule 1	Dictionary	38

2016

A Bill

for

An Act to regulate the governance and administration of grammar schools, and to amend this Act, the *Education* (Accreditation of Non-State Schools) Act 2001, the Fair Work (Commonwealth Powers) and Other Provisions Act 2009, the Information Privacy Act 2009 and the Right to Information Act 2009 for particular purposes

[s 1]

The Pa	arlia	ment of Queensland enacts—	1		
Part	1	Preliminary	2		
Divis	ion	1 Introduction	3		
1	She	ort title	4		
		This Act may be cited as the Grammar Schools Act 2016.	5		
2	Со	mmencement	6		
		This Act commences on a day to be fixed by proclamation.	7		
3	Main purpose of Act and its achievement				
	(1)	The main purpose of this Act is to maintain public confidence in grammar schools.	9 10		
	(2)	The main purpose is achieved by regulating the governance and administration of grammar schools.	11 12		
4	Act	binds all persons	13		
	(1)	This Act binds all persons, including the State.	14		
	(2)	Nothing in this Act makes the State liable to be prosecuted for an offence.	15 16		
Divis	ion	2 Interpretation	17		
5	Def	initions	18		
		The dictionary in schedule 1 defines particular words used in this Act.	19 20		

[s 6]

6	Meanin	g of <i>grammar school</i>	1	
-		h of the following schools is a <i>grammar school</i> —	2	
	(a)	Brisbane Girls Grammar School;	3	
	(b)	Brisbane Grammar School;	4	
	(c)	Ipswich Girls' Grammar School including Ipswich Junior Grammar School;	5 6	
	(d)	Ipswich Grammar School;	7	
	(e)	Rockhampton Girls Grammar School;	8	
	(f)	The Rockhampton Grammar School;	9	
	(g)	Toowoomba Grammar School;	10	
	(h)	Townsville Grammar School.	11	
Part	Part 2 Boards of trustees 12			
Divis	ion 1	Establishment	13	
7	Establis	shment generally	14	
	The	re is a board of trustees for each grammar school.	15	
8	Legal st	tatus	16	
	A be	oard—	17	
	(a)	is a body corporate; and	18	
	(b)	may sue and be sued in its corporate name.	19	
9	Relatior	nship with State	20	
	A be	oard does not represent the State.	21	

[s 10]

10	Ар	plicat	tion of other Acts	1
	(1)	A bo	oard is a statutory body under—	2
		(a)	the Financial Accountability Act 2009; and	3
		(b)	the Statutory Bodies Financial Arrangements Act 1982.	4
	(2)		Statutory Bodies Financial Arrangements Act 1982, part explains how that Act affects a board's powers.	5 6
Divi	sion	2	Functions	7
11	Fu	nctio	ns	8
		The	functions of a board are as follows—	9
		(a)	to supervise, maintain and control the operations of the board's school;	10 11
		(b)	to erect, alter, add to, purchase or sell buildings used or to be used for the board's school;	12 13
		(c)	to effect general improvements to the premises used or to be used for the board's school;	14 15
		(d)	to provide an educational program for the board's school;	16 17
		(e)	to make policies and procedures about—	18
			(i) fees and charges payable in relation to students enrolled or to be enrolled at the board's school; and	19 20
			(ii) the discipline and conduct of students enrolled at the board's school; and	21 22
			(iii) the management and control of the board's school; and	23 24
			(iv) the matters mentioned in paragraphs (a) to (d);	25
		(f)	any other function given to the board under this Act or another Act.	26 27

Divi	sion	3	Powers	1
12	Ge	neral	powers	2
			oard has all the powers of an individual, and may, for mple—	3 4
		(a)	enter into contracts; and	5
		(b)	acquire, hold, deal with and dispose of property; and	6
		(c)	do anything else necessary or convenient to be done in performing its functions.	7 8
13	Po	wer t	o make by-laws	9
	(1)		oard may make by-laws about elections under this Act, uding by-laws about the following—	10 11
		(a)	the electoral eligibility amount for the board for all elections or a particular election;	12 13
		(b)	when an election is to be held;	14
		(c)	the maximum number of terms for which a person may be elected as a member.	15 16
	(2)		board may also make by-laws about the conduct of its ness, including—	17 18
		(a)	when and how meetings are held; and	19
		(b)	the adjournment of meetings; and	20
		(c)	who must preside at meetings; and	21
		(d)	how a conflict of interest of a member must be identified, declared and dealt with.	22 23
	(3)	Ab	y-law made under this section—	24
		(a)	has effect only to the extent it is consistent with this Act; and	25 26
		(b)	is not subordinate legislation.	27

<u>[s 1</u>4]

Divisio	n 4	ŀ	Membership	1
14 N	/lem	nbers		2
(1	·		rd consists of at least 7 but no more than 9 persons (each <i>nber</i>), as follows—	3 4
		(a) 4	4 members nominated by the Minister;	5
		(b) 3	3 members elected under section 15;	6
			up to 2 additional members chosen by the board and nominated by the Minister under subsection (2).	7 8
(2	/		Minister must nominate an additional member or bers chosen by the board if—	9 10
		· /	the board asks the Minister to nominate the additional member or members; and	11 12
		· /	the Minister is satisfied of the matters mentioned in subsection $(5)(a)$ for the additional member or members.	13 14
(3	3)	Each r	member must be appointed by the Governor in Council.	15
(4	·	A per persor	rson is eligible to be an elected member only if the n-	16 17
			has donated the electoral eligibility amount for the board to the board's grammar school; and	18 19
			has not already served the maximum number of terms as a member under the board's by-laws.	20 21
(5	· ·		e nominating a person for appointment to the board, the ter must—	22 23
		(a) ł	be satisfied the person has—	24
		((i) a sufficient understanding, or the ability to rapidly acquire a sufficient understanding, of legislation applying to grammar schools; and	25 26 27
		(the skills, experience or expertise in commerce, corporate governance, economics, finance, law, management or education, or another area the 	28 29 30

			Minister considers relevant or necessary to support the board in performing its functions; and
		(b)	for a nomination other than a nomination for an additional member under subsection (2)—
			(i) consult with the board about the proposed nomination; and
			 (ii) consider the board's submissions about the proposed nomination, including, for example, the board's submissions about the effect of the nomination on the composition of the board.
5	Ele	ction	S
	(1)	This 14(1	section applies in relation to an election for section)(b).
	(2)	The	election must be held under this Act.
	(3)		e election is held and insufficient persons are elected to ply with section $14(1)(b)$ —
		(a)	the Minister may nominate the number of persons required to comply with that section; and
		(b)	a person nominated by the Minister under this subsection is taken to have been elected for that section.
	(4)	unle	erson may not vote in an election for a board member ss the person has donated the electoral eligibility amount e board's grammar school.
6	Ter	m of	appointment
	(1)	A m	ember is appointed for—
		(a)	4 years; or
		(b)	if the board asks the Minister for a shorter term for a member mentioned in section $14(1)(a)$ or (c)—the shorter term.

<u>[s 1</u>7]

	(2)	men	successor has not been appointed by the end of the aber's term, the member continues to hold office until a ressor is appointed.	1 2 3
17	Ch	airpe	rson and deputy chairperson	4
	(1)		members of a board must elect 1 member as chairperson another member as deputy chairperson.	5 6
	(2)		chairperson and deputy chairperson hold office for the ent term of their appointment as a member of the board.	7 8
	(3)		office of the chairperson becomes vacant if the rperson—	9 10
		(a)	resigns from office by giving a signed notice of resignation to the board; or	11 12
		(b)	stops being a member.	13
	(4)		vever, a person may continue being a member after gning the office of chairperson.	14 15
	(5)	The	deputy chairperson is to act as chairperson—	16
		(a)	during a vacancy in the office of chairperson; and	17
		(b)	during all periods when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.	18 19 20
18	Dis	auali	ification as member	21
	(1)	A p	erson is disqualified from becoming or continuing as a nber if the person—	21 22 23
		(a)	has a conviction, other than a spent conviction, for an indictable offence; or	24 25
		(b)	is an insolvent under administration; or	26
		(c)	is disqualified from managing corporations because of the Corporations Act, part 2D.6; or	27 28
		(d)	does not consent to the Minister requesting a report about the person's criminal history under section 21.	29 30

(2)	However, subsection (1)(a), (b) or (c) does not apply to a person proposing to become a member if the Minister gives written approval for the person to become a member despite the conviction, being an insolvent under administration or being disqualified from managing corporations.	1 2 3 4 5
(3)	Also, subsection (1)(a), (b) or (c) does not apply to a person who was a member when the person was convicted, became an insolvent under administration or was disqualified from managing corporations if the Minister gives the chairperson written notice that—	6 7 8 9 10
	(a) the person is restored as a member; and	11
	(b) the person may be later reappointed as a member despite the conviction, being an insolvent under administration or being disqualified from managing corporations.	12 13 14
(4)	The Minister may give a notice under subsection (2) or (3) only if the Minister considers it would be reasonable to do so, having regard to the circumstances of the offence of which the person has been convicted or the circumstances under which the person became an insolvent under administration or was disqualified from managing corporations.	15 16 17 18 19 20
(5)	If the Minister gives a notice under subsection (3) about a person, the person is restored as a member on the day the chairperson receives the notice.	21 22 23
(6)	The restored member's term of appointment as a member ends when it would have ended if the member had not been convicted of the offence, become an insolvent under administration or been disqualified from managing corporations.	24 25 26 27 28
(7)	In this section—	29
	<i>insolvent under administration</i> see the Corporations Act, section 9.	30 31
Vac	cancy in office of member	32
(1)	The office of a member of a board becomes vacant if the member—	33 34

[s 19]

	(a)	resigns office by giving a signed notice of resignation to the Minister; or	1 2
	(b)	is absent without permission of the board from 3 consecutive meetings of the board of which proper notice was given to the member; or	3 4 5
	(c)	is disqualified from continuing as a member under section 18.	6 7
(2)	mem relati	office of a member becomes vacant before the end of the ber's term of office, the Minister may appoint a person in on to whom the matters mentioned in section 14(5) have satisfied to the office for the remaining part of the term.	8 9 10 11
(3)	nomi	member whose office has become vacant was a member nated by the Minister mentioned in section $14(1)(a)$, the ster must—	12 13 14
	(a)	consult with the board about the proposed appointment; and	15 16
	(b)	consider the board's submissions about the proposed appointment, including, for example, the board's submissions about the effect of the appointment on the composition of the board.	17 18 19 20
(4)	If the	member whose office has become vacant was elected—	21
	(a)	the appointment under subsection (2) must be made from a panel of persons, nominated by the board, who are eligible for election; and	22 23 24
	(b)	the person appointed is taken to have been elected for the purpose of section $14(1)(b)$.	25 26
(5)	nomi	member whose office has become vacant was a member nated by the Minister mentioned in section $14(1)(c)$, the ster may only appoint a person chosen by the board.	27 28 29
(6)	does	Minister's power to appoint a person under this section not limit the Governor in Council's powers under the <i>Interpretation Act 1954</i> , section 25.	30 31 32

20	Lea	ve of	absence	1
	(1)	The l	Minister may—	2
		(a)	approve a leave of absence for a member; and	3
		(b)	appoint another person in relation to whom the matters mentioned in section $14(5)$ are satisfied to act in the office of the member during the leave of absence.	4 5 6
	(2)		the member is a member nominated by the Minister is a member in section $14(1)(a)$, the Minister must—	7 8
		(a)	consult with the board about the proposed appointment; and	9 10
		(b)	consider the board's submissions about the proposed appointment, including, for example, the board's submissions about the effect of the appointment on the composition of the board.	11 12 13 14
	(3)	ment	the member is a member nominated by the Minister bioned in section $14(1)(c)$, the Minister may only appoint is son chosen by the board.	15 16 17
	(4)		section does not limit the Governor in Council's powers r the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(v).	18 19
	(5)	chair	e Minister approves a leave of absence for the deputy person, the board may appoint another member to be the ty chairperson during the leave of absence.	20 21 22
Divis	ion	5	Criminal history	23
21	Crir	ninal	history report	24
	(1)	conti	lecide if a person is disqualified from becoming or nuing as a member, the Minister may ask the missioner of the police service for—	25 26 27
		(a)	a written report about the criminal history of the person; and	28 29
		(b)	a brief description of the circumstances of a conviction mentioned in the criminal history.	30 31

[s 22]

(2)		ever, the Minister may make the request only if the on has given the Minister written consent for the request.	1 2
(3)	The or reque	commissioner of the police service must comply with the est.	3 4
(4)	the c	ever, the duty to comply applies only to information in commissioner's possession or to which the commissioner access.	5 6 7
(5)	pract	Minister must ensure the report is destroyed as soon as ticable after it is no longer needed for the purpose for th it was requested.	8 9 10
Crii	minal	history reports confidential	11
(1)	infor beca	section applies to a person who possesses a report, or mation contained in a report, given under section 21, use the person is or was an officer, employee or agent of lepartment.	12 13 14 15
(2)	or in	person must not, directly or indirectly, disclose the report information to any other person unless the disclosure is nitted under subsection (3).	16 17 18
	Max	imum penalty—100 penalty units.	19
(3)		person is permitted to disclose the report or information other person—	20 21
	(a)	to the extent necessary to perform the person's functions under this Act; or	22 23
	(b)	if the disclosure is authorised under an Act; or	24
	(c)	if the disclosure is otherwise required or permitted by law; or	25 26
	(d)	if the person to whom the disclosure relates consents to the disclosure; or	27 28
	(e)	if the disclosure is in a form that does not identify the person to whom the information relates; or	29 30
	(f)	if the information is, or has been, lawfully accessible to the public.	31 32

23	Ch	anges in criminal history must be disclosed	1			
	(1)	This section applies if a person who is a member is convicted of an indictable offence during the term of the member's appointment.	2 3 4			
	(2)	The person must, unless the person has a reasonable excuse, immediately give notice of the conviction to the Minister.	5 6			
		Maximum penalty—100 penalty units.	7			
	(3)	The notice must include all of the following—	8			
		(a) the existence of the conviction;	9			
		(b) when the offence was committed;	10			
		(c) details adequate to identify the offence;	11			
		(d) the sentence imposed on the person.	12			
Divi	sion	6 Financial matters	13			
24	Budget					
	(1)	A board must, before 28 January of each year, develop and approve a budget for the board's school for the year.	15 16			
	(2)	The budget must include the way in which amounts received by the board by way of a bequest, contribution, donation, gift or grant are to be spent.	17 18 19			
25	Est	ablishment of trust funds	20			
		A board may establish and administer trust funds for a purpose relating to the performance and exercise of the board's functions and powers.	21 22 23			
26	Est	ablishment of investment common funds	24			
	(1)	A board may establish and administer 1 or more investment common funds for the collective investment of funds	25 26			

[s 27]

(2)	belonging to the board's school, trust funds and other funds held by or in the custody of the board's school. The board may add funds to, or withdraw funds from, an investment common fund, without incurring any liability for breach of trust.	1 2 3 4 5
27 Ma	anagement of investment common funds	6
(1)	A board must periodically distribute the income of an investment common fund among each fund forming the investment common fund (each a <i>component fund</i>), having regard to the share of each component fund in the investment common fund during the period in which the income is derived.	7 8 9 10 11 12
(2)	Despite subsection (1), the board may—	13
	(a) add a part of the income of the investment common fund to the fund's capital; or	14 15
	(b) use a part of the income to establish or augment another fund as a provision against capital depreciation or reduction of income.	16 17 18
(3)	If a component fund is comprised of an amount allocated for spending for a stated purpose, the board may pay all or part of the interest that would have been distributed to the component fund for the amount to its general account to the extent the interest is not required for the stated purpose.	19 20 21 22 23
Part 3	Staff and business of boards	24
Divisior	n 1 Staff	25

28	Em	ployment of staff	26
	(1)	A board—	27
		(a) must—	28

			[8 29]	
			(i) employ a secretary at all times; and	1
			(ii) ensure a secretary is employed whenever a vacancy occurs in that office; and	2 3
		(b)	may employ staff as it considers appropriate to perform its functions or exercise its powers, including, for example, administrative officers, teachers and clerks.	4 5 6
	(2)	Staff	f employed by the board under this section—	7
		(a)	are to be paid the remuneration and allowances decided by the board; and	8 9
		(b)	are employed under this Act and not the <i>Public Service</i> Act 2008.	10 11
Divis	sion	2	Business and meetings	12
29	Со	nduct	t of business	13
			ject to this division, a board may conduct its business, uding its meetings—	14 15
		(a)	in the way it considers appropriate; and	16
		(b)	in accordance with any by-laws of the board about the conduct of its business.	17 18
30	Qu	orum	1	19
		-	uorum for a meeting of a board is a majority of its abers for the time being.	20 21
31	Со	nduct	t of meetings	22
	(1)	-	uestion at a meeting of a board must be decided by a prity of the votes of the members present.	23 24
	(2)	ques	n member present at the meeting has a vote on each stion to be decided and, if the votes are equal, the rperson also has a casting vote.	25 26 27

[s 32]

32

(3)	A member who abstains from voting is taken to have voted for the negative.	1 2
(4)	The board may hold meetings, or allow members to take part in meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meetings, including, for example, teleconferencing.	3 4 5 6 7
(5)	A member who takes part in a meeting of the board under subsection (4) is taken to have been present at the meeting.	8 9
(6)	A resolution is validly made by the board, even if it is not passed at a board meeting, if—	10 11
	(a) notice of the resolution is given under procedures approved by the board; and	12 13
	(b) a majority of members agrees in writing to the resolution.	14 15
Val	lidity of decisions	16
	A decision of a board is not invalidated only because—	17
	(a) there is a vacancy in the membership of the board; or	18
	(b) there is a defect or irregularity in the appointment of a member of the board.	19 20
Au	thentication of documents	21
	A document made by a board, other than a document required to be sealed, is sufficiently made if it is made or signed by the chairperson of the board, or the secretary of the board at the direction of the chairperson.	22 23 24 25

[s 34]

Divi	sion	3 Interaction between Minister and boards	1 2
34	Во	ard must notify Minister about financial viability	3
	(1)	A board must give the Minister written notice of a matter that raises a significant concern about the financial viability of the board's school.	4 5 6
		Examples of matters that may raise a significant concern about the school's financial viability—	7 8
		a proceeding started against the school that may result in payment of a significant amount of damages or legal costs	9 10
		a significant decrease in enrolments at the school	11
	(2)	The notice must be given immediately after the board becomes aware of the matter.	12 13
35	Mir	nister may require information or documents	14
	(1)	The Minister may, by written notice, ask a board to do the following within a stated reasonable time and in a stated reasonable way—	15 16 17
		(a) give the Minister relevant information in the board's knowledge about a stated matter;	18 19
		(b) give the Minister, or make available for inspection by the Minister, a relevant document or copy of a relevant document about a stated matter in the board's possession or control.	20 21 22 23
	(2)	The board must comply with the request.	24
	(3)	Unless the Minister is satisfied there are exceptional circumstances, the Minister must consult with the board about the information or documents that may be sought by the Minister before giving the board a notice under this section.	25 26 27 28
	(4)	If a document is given to the Minister, the Minister may keep the document to copy it and must return the document to the board as soon as practicable after copying it.	29 30 31

[s 36]

(5)	The Minister may disclose the information, or give the document or copy of the document, to an entity the Minister considers appropriate to help the Minister assess—	1 2 3
	(a) the financial viability of the board's school; or	4
	(b) the way amounts provided to the board by the State are being used; or	5 6
	(c) another matter relevant to the way the board is carrying out its functions.	7 8
(6)	In this section—	9
	<i>relevant</i> , in relation to information or a document, means relating to the board's powers or functions under this Act.	10 11
Min	ister may give directions	12
(1)	The Minister may give a board a written direction about a matter relevant to its functions, if the Minister is satisfied the direction is necessary in the interests of the board's school to ensure the school's financial viability.	13 14 15 16
	Example of a direction—	17
	a direction to engage an external person to provide expert advice to the board about stated matters that may affect the school's financial viability	18 19 20
(2)	The board must comply with the direction.	21
(3)	Unless the Minister is satisfied there are exceptional circumstances, the Minister must advise a board that the Minister proposes to give the board a direction, and consult with the board about the matters proposed to be dealt with in the direction, before giving the direction.	22 23 24 25 26
(4)	The board must include the details of each direction given to it during a financial year in its annual report for the year under the <i>Financial Accountability Act 2009</i> .	27 28 29

Part	4			Administrators	1
Divis	ion	1		Appointment	2
37	Арр	point r The		ster may, by gazette notice, appoint a person as	3 4
				tor of a board.	5
38	Bas	sis foi	r app	ointment	6
		The I	Minis	ter may make the appointment only if—	7
		(a)	the b	oard asks the Minister to make the appointment; or	8
		(b)		board is given a show cause notice under the reditation Act, section 64; or	9 10
		(c)	finar	Ainister reasonably believes the school is no longer acially viable or is in danger of becoming acially non-viable.	11 12 13
39	Not	ice of	f pro	posed appointment	14
	(1)	Befor	re ma	king the appointment, the Minister—	15
		(a)	must	give the board a written notice stating—	16
			(i)	the Minister proposes to appoint a person as administrator of the board; and	17 18
			(ii)	the reasons for the proposed appointment; and	19
			(iii)	the board may, within a stated period of at least 14 days (the <i>stated period</i>), give the Minister a written response to the proposed appointment; and	20 21 22
		(b)		consider any written response received from the d within the stated period.	23 24
	(2)	How	ever-	_	25

[s 40]

	(a)	if the Minister is satisfied there are exceptional circumstances, the stated period may be less than 14 days; and	1 2 3
	(b)	with the board's written agreement, the stated period may be less than 14 days or the Minister may make the appointment before the stated period; and	4 5 6
	(c)	subsection (1) does not apply if the board has asked the Minister to make the appointment.	7 8
(3)	decie	fter giving a notice under subsection (1), the Minister les not to make the appointment, the Minister must give oard a written notice of the decision.	9 10 11
(4)	must	e Minister decides to make the appointment, the Minister give the board a written notice of the decision before ashing the gazette notice under which the appointment is e.	12 13 14 15
Sui	itabili	ty of proposed appointee	16
		· · · · · · · · · · · · · · · · · · ·	10
(1)	is sa	Minister may make the appointment only if the Minister tisfied the proposed appointee is appropriately qualified s otherwise suitable to be appointed as administrator.	10 17 18 19
(1)	is sa and i A pe advis the p	Minister may make the appointment only if the Minister tisfied the proposed appointee is appropriately qualified	17 18 19 20 21
. ,	is sa and i A pe advis the p the c A pe subse	Minister may make the appointment only if the Minister tisfied the proposed appointee is appropriately qualified s otherwise suitable to be appointed as administrator. erson who has agreed to a proposed appointment must see the Minister, before the appointment is made, whether berson is aware of a conflict of interest that may arise in	17 18 19 20 21 22
(2)	is sa and i A pe advis the p the c A pe subse a ma	Minister may make the appointment only if the Minister tisfied the proposed appointee is appropriately qualified s otherwise suitable to be appointed as administrator. erson who has agreed to a proposed appointment must se the Minister, before the appointment is made, whether berson is aware of a conflict of interest that may arise in ourse of the person acting as administrator. erson must not state anything to the Minister under ection (2) that the person knows is false or misleading in	17 18 19 20 21 22 23 24 25

Те	rms of appointment	1
(1)	The gazette notice under which the appointment is made must state the following—	2 3
	(a) the appointee's name;	4
	(b) the grammar school for which the board is established;	5
	(c) the day the appointment takes effect;	6
	(d) the term of the appointment;	7
	(e) any conditions of the appointment.	8
(2)	The gazette notice may also state anything else about the appointment the Minister considers appropriate.	9 10
No	tice to parents about appointment	11
	After giving notice under section 39(4) to the board of a grammar school, and before publishing the gazette notice under which the appointment is made, the Minister must take reasonable steps to notify the parents of students at the school (the <i>interested parents</i>) about the proposed appointment.	12 13 14 15 16
Va	riation of appointment	17
(1)	The Minister may, by gazette notice, vary the appointment by extending or shortening the term of the appointment or amending the conditions of the appointment.	18 19 20
(2)	Before varying the appointment, the Minister must—	21
	(a) give the board a written notice of the proposed variation; and	22 23
	(b) take reasonable steps to notify the interested parents about the proposed variation.	24 25
Ea	rly ending of appointment	26
(1)	Before the term of the appointment ends—	27

[s 45]

		(a) the Minister may end the appointment by gazette notice; or	1 2
		(b) the administrator may end the appointment by signed notice given to the Minister.	3 4
	(2)	Also, the appointment ends if an appointee for the board is appointed under the <i>Statutory Bodies Financial Arrangements Act 1982</i> , section 24.	5 6 7
	(3)	If the appointment ends under this section, the Minister must immediately notify the board and take reasonable steps to notify the interested parents.	8 9 10
45	Re	placement of administrator	11
	(1)	If the appointment ends under section 44, the Minister may appoint someone else as administrator of the board.	12 13
	(2)	This division, other than section 39, applies to the appointment.	14 15
Divi	sion	2 Conduct of administration	16
46	Ар	plication of division	17
		This division applies during the appointment of an administrator of a board.	18 19
47	Ad	ministrator's powers and functions	20
	(1)	The administrator has the board's powers and functions.	21
	(2)	This Act and other Acts apply to the administrator, with all necessary changes, as if the administrator were the board.	22 23
	(3)	The Accreditation Act applies to the administrator, with all necessary changes, as if the administrator were the school's governing body.	24 25 26

48	Direction by Minister				
	(1)	The administrator is subject to the Minister's direction in exercising the administrator's powers and performing the administrator's functions.	2 3 4		
	(2)	The administrator must give the board a copy of each direction received from the Minister.	5 6		
	(3)	The board must include the details of each direction given to the administrator during a financial year in the board's annual report for the year under the <i>Financial Accountability Act</i> 2009.	7 8 9 10		
49	Eff	ect on the board	11		
	(1)	The board continues in existence subject to this Act.	12		
	(2)	However, the board may not exercise its powers and functions under this Act other than in giving the administrator the help the administrator asks for.	13 14 15		
50	Rej	oorts	16		
	(1)	The administrator must give to the Minister the reports about the administration that the Minister requires.	17 18		
	(2)	The reports must be given as soon as practicable after the end of the appointment or at any time required by the Minister during the appointment.	19 20 21		
Part	5	Miscellaneous	22		
Divis	ion	1 Offences and liability	23		
51	Off	ences relating to non-grammar schools	24		
	(1)	A person must not establish or operate a non-grammar school under a name that includes the word 'grammar'.	25 26		

[s 52]

		Maximum penalty—200 penalty units.	1
	(2)	A person must not hold out a non-grammar school to be a grammar school.	2 3
		Maximum penalty—200 penalty units.	4
		Note—	5
		For the application of this section to the Anglican Church Grammar School and Sunshine Coast Grammar School, see section 69.	6 7
52	Su	mmary proceedings for offences	8
	(1)	A proceeding for an offence against this Act must be taken in a summary way under the <i>Justices Act 1886</i> .	9 10
	(2)	The proceeding must start—	11
		(a) within 1 year after the offence was committed; or	12
		(b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the offence was committed.	13 14 15
	(3)	A statement in a complaint for an offence against this Act that the matter of the complaint came to the complainant's knowledge on a stated day is evidence of when the matter came to the complainant's knowledge.	16 17 18 19
53		ney borrowed other than under <i>Statutory Bodies</i> ancial Arrangements Act 1982	20 21
	(1)	This section applies if a board borrows an amount it is not lawfully authorised to borrow under the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	22 23 24
	(2)	All the members of the board who consented to the borrowing of the amount are jointly and severally liable to repay the amount, and to pay interest on it, to the person from whom the amount was borrowed.	25 26 27 28
	(3)	If an amount is appropriated from a fund administered by the board to repay the borrowed amount or interest on it, the	29 30

				of the board who consented to the misappropriation bunt are jointly and severally liable to refund—	1 2
		(a)	the r	nisappropriated amount; and	3
		(b)	inter	rest at the rate of 12% a year.	4
	(4)	inter	est u	mbers of the board fail to repay an amount and nder subsection (2) or (3), the amount may be from the members by the Minister as a debt.	5 6 7
	(5)			ering all or part of an amount and interest under n (4), the Minister—	8 9
		(a)	mus	t pay the amount recovered—	10
			(i)	for an amount mentioned in subsection (2)—to the person from whom the amount was borrowed; or	11 12
			(ii)	for an amount mentioned in subsection (3)—into the fund from which the amount was appropriated; and	13 14 15
		(b)	subs	ntitled to recover from the members mentioned in ection (4) the full costs incurred in recovering the unt, including legal costs.	16 17 18
Divi	sion	2		Funding and donations	19
54	Reg	gister	r of d	onors	20
	(1)	A bo	oard n	nust keep a register of donors for the board's school.	21
	(2)		regist opriat	ter may be kept in the form the board considers e.	22 23
	(3)	The	regist	er must include for each donor—	24
		(a)	the c	lonor's name; and	25
		(b)	the p	particulars prescribed by regulation; and	26
		(c)	done	e donor is eligible to vote in an election because the or has donated the electoral eligibility amount for board—the donor's eligibility.	27 28 29

[s 55]

	(4)	However, if a person asks the board in writing to remove the person's name and particulars from the register, the board must comply with the request.	1 2 3
	(5)	Also, the board may remove a particular mentioned in subsection $(3)(b)$ for a donor if, after making reasonable attempts, the board can not contact the donor for the purposes of maintaining the register.	4 5 6 7
	(6)	The board must ensure the register is available for inspection by the public at the office of the secretary of the board.	8 9
55	Dor	nation of property other than money	10
		If a person donates property to a grammar school, the person is taken to have donated an amount equal to the value of the property on the day the donation is made.	11 12 13
Divis	ion	3 Other matters	14
56	Nan	ne under which grammar schools operate	15
56	Nar	ne under which grammar schools operate A grammar school must not operate under a name other than its name stated in section 6.	15 16 17
56 57		A grammar school must not operate under a name other than	16
		A grammar school must not operate under a name other than its name stated in section 6.	16 17
		A grammar school must not operate under a name other than its name stated in section 6.	16 17 18
		A grammar school must not operate under a name other than its name stated in section 6. religious affiliation The board of a grammar school must ensure the school— (a) is operated independently of a church or other body	16 17 18 19 20
	No	A grammar school must not operate under a name other than its name stated in section 6. religious affiliation The board of a grammar school must ensure the school— (a) is operated independently of a church or other body established for religious purposes; and	16 17 18 19 20 21

(2)	Subsection (1) does not apply to State land granted in trust or reserved and set apart for the school under the <i>Land Act 1994</i> .	1 2
(3)	If a regulation is not made in relation to property mentioned in subsection (1), the Minister may give directions about how the property is to be disposed of or held.	3 4 5
(4)	The board must comply with a direction given under subsection (3).	6 7
(5)	The power to make a regulation or give directions includes the power to vary the trustees, and the terms, of any trust created under this section.	8 9 10
(6)	Subsections (1) and (3) do not authorise a regulation or the Minister to override a trust instrument, if the instrument—	11 12
	(a) was created before the discontinuance of the school; and	13
	(b) relates to property held by the board of the school; and	14
	(c) provides for the variation of the trust on the discontinuance of the school.	15 16
De	legations	17
(1)	A board of a grammar school may delegate its functions to the following—	18 19
	(a) a member of the board;	20
	(b) a committee of its members;	21
	(c) an employee of the board, including a member of the staff of the school.	22 23
(2)	However, a board may not delegate the following—	24
	(a) the power to make policies and procedures under section 11(e);	25 26
	(b) the power to make by-laws under section 13;	27
	(c) the approval of a budget under section 24.	28
(3)	In this section—	29
	<i>functions</i> includes powers.	30
	<i>Junctions</i> mendes powers.	50

[s 60]

60	Reg	ulation-making power	1
(2 3
(A regulation may impose a penalty of no more than 20 penalty units for a contravention of a regulation.	4 5
(A regulation may be made about elections under this Act, including—	6 7
		• •	8 9 10
		(b) an amount that is the electoral eligibility amount for a board; and	11 12
		(c) when an election is to be held; and	13
		(d) a maximum number of terms for which a person may be elected as a member of a board.	14 15
Part (6	Repeal and transitional provisions	16 17
Divisi	on 1	Repeal provision	18
61	Rep	eal	19
		The Grammar Schools Act 1975, No. 42 is repealed.	20
Divisi	on 2	2 Transitional provisions	21
62	Defi	nition for division	22
		In this division—	23
		repealed Act means the repealed Grammar Schools Act 1975.	24

[s 63]

63	Cor	ntinuation of boards	1
	(1)	A board of trustees established under the repealed Act, section 7 and in existence immediately before the commencement continues in existence as a board under this Act.	2 3 4
	(2)	A thing done by or in relation to a board of trustees before the commencement is taken to be a thing done by or in relation to the board continued under subsection (1).	5 6 7
	(3)	Without limiting subsection (2)—	8
		(a) an appointment of a member of a board of trustees is taken to be an appointment to the board continued under subsection (1); and	9 10 11
		(b) a term served by a person as a member of a board of trustees before the commencement is included for the purpose of deciding the number of terms the person has served as a member of a board continued under subsection (1).	12 13 14 15 16
64	Am	ounts previously donated or subscribed	17
		An amount donated or subscribed under the repealed Act is taken to be an amount donated under this Act.	18 19
65	Elig	jible persons	20
	(1)	This section applies to a person if, before the commencement, the person had donated or subscribed to a grammar school at least the electoral eligibility amount for the school's board under the repealed Act.	21 22 23 24
	(2)	The person is taken to have donated the electoral eligibility amount to the grammar school under this Act.	25 26
66	Cor	ntinuation of by-laws	27
	(1)	This section applies to a by-law made by a board under the repealed Act, section 15A.	28 29

[s 67]

67

68

(2)	On the commencement, the by-law continues in effect as a by-law made under section 13 until the earlier of the following—	1 2 3
	(a) the day the board replaces the by-law with a new by-law made under section 13;	4 5
	(b) the day that is 12 months after the commencement.	6
Bo	ard member not disqualified under repealed Act	7
	A written approval or notice given to a person by the Minister under the repealed Act, section $9(2)$, is taken to be a written approval or notice given under section $18(2)$ or (3) of this Act.	8 9 10
Ар	plication of repealed Act for illegal borrowing	11
	Despite its repeal, section 29 of the repealed Act continues to apply in relation to money borrowed or appropriated by a board before the commencement.	12 13 14
Ар	plication of s 51	15
(1)	This section applies in relation to each of the following schools—	16 17
	(a) the Anglican Church Grammar School;	18
	(b) the Sunshine Coast Grammar School.	19
(2)	Section 51 does not apply to the operation of the school.	20
(3)	For section $51(2)$, a person does not hold out the school to be a grammar school only by using the school's name.	21 22
(4)	Subsections (2) and (3) apply to the school only while it continues to be operated by its current operator under the name it had immediately before the commencement.	23 24 25
(5)	In this section—	26
	<i>Anglican Church Grammar School</i> means the school that, immediately before the commencement, was operated under that name by its current operator.	27 28 29

[s 70]

	current ope	erator means—	1
	· /	he Anglican Church Grammar School—The oration of the Synod of the Diocese of Brisbane; or	
		the Sunshine Coast Grammar School—the yterian and Methodist Schools Association.	4 5
	immediatel	<i>Coast Grammar School</i> means the school that, y before the commencement, was operated under by its current operator.	-
Part 7		Amendment of this Act and other Acts	9 10
Division	1	Amendment of this Act	11
70 Act	amended		12
	This divisio	on amends the Grammar Schools Act 2016.	13
71 Am	endment o	f long title	14
	Long title, f	from 'schools,'—	15
	omit, insert		16
		schools	17
Division	2	Amendment of Education (Accreditation of Non-State Schools) Act 2001	18 19 20
72 Act	amended		21
		ion amends the <i>Education</i> (Accreditation of Schools) Act 2001.	22 23

[s 73]

73		ent of s 70B (Notice to Minister about action elation to a grammar school)	1 2
		n 70B(3), definition grammar school, 'Grammar s Act 1975'—	3 4
	omit, i	nsert—	5
		Grammar Schools Act 2016	6
Divi	sion 3	Amendment of Fair Work (Commonwealth Powers) and Other Provisions Act 2009	7 8 9
74	Act amene	ded	10
		vision amends the Fair Work (Commonwealth Powers) ther Provisions Act 2009.	11 12
75	Amendme sector em	ent of sch 1 (Other entities that are not public ployers)	13 14
	Schedu	ile 1, item 1, 'Grammar Schools Act 1975'—	15
	omit, i	nsert—	16
		Grammar Schools Act 2016	17
Divi	sion 4	Amendment of Information Privacy Act 2009	18 19
76	Act amend	ded	20
	This di	vision amends the Information Privacy Act 2009.	21
77		ent of sch 2 (Entities to which the privacy do not apply)	22 23
	Schedu	ale 2, part 1, item 5, 'Grammar Schools Act 1975'—	24

		[s 78]	
	omit, ii	isert—	1
		Grammar Schools Act 2016	2
Division 5		Amendment of Right to Information Act 2009	3 4
78	Act ameno This di	led vision amends the <i>Right to Information Act 2009</i> .	5 6
79	Amendment of sch 2 (Entities to which this Act does not apply)		7 8
	Schedu	lle 2, part 1, item 8, 'Grammar Schools Act 1975'—	9
	omit, ii	isert—	10
		Grammar Schools Act 2016	11

Schedule 1

Schedule 1 Dictionary

section	5	2

Accreditation Act means the Education (Accreditation of 3			
Accreditation Act means the Education (Accreditation of Non-State Schools) Act 2001.			
<i>board</i> , of a grammar school, means the board of trustees for the grammar school under this Act. 6			
<i>by-laws</i> , of a board, means the board's by-laws made under 7 section 13.			
<i>criminal history</i> , for a person, means the person's criminal history as defined under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , other than spent convictions.			
<i>donor</i> , for a grammar school, means a person who has donated money or property to the school.			
<i>election</i> means an election of a member of a board for the purpose of section $14(1)(b)$.			
electoral eligibility amount, for a board, means—			
eligibility amount—the amount provided for under the 1	7 8 9		
	20 21		
grammar school see section 6. 2	22		
<i>member</i> , of a board, see section 14(1).	23		
<i>interested parents</i> see section 42.	24		
non-grammar school means— 2	25		
e e	26 27		
Accreditation Act, section 6 that is not a grammar 2	28 29 30		

Schedule 1

spent conviction means a conviction—		1
(a)	for which the rehabilitation period under the <i>Criminal</i> Law (Rehabilitation of Offenders) Act 1986 has expired under that Act; and	2 3 4
(b)	that is not revived as prescribed by section 11 of that Act.	5 6

© State of Queensland 2016