

Queensland

Education (General Provisions) Act 2006

Current as at [Not applicable]

Indicative reprint note
This is an ***unofficial*** version of a reprint of this Act that incorporates all proposed amendments to the Act included in the Education (General Provisions) and Other Legislation Amendment Bill 2024. This indicative reprint has been prepared for information only—***it is not an authorised reprint of the Act***.

Some enacted but uncommenced amendments included in the *Public Records Act 2023* No. 33 and the *Integrity and Other Legislation Amendment Act 2024* No. 3 have also been incorporated in this indicative reprint.

Amendments to this Act are also included in the Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023* and the Education (General Provisions) (Extension of Primary Schools in

Remote Areas) Amendment Bill 2023*. These proposed amendments are not included in this indicative reprint.

The point-in-time date for this indicative reprint is the introduction date for the Education (General Provisions) and Other Legislation Amendment Bill 2024—6 March 2024.

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Education (General Provisions) Act 2006

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Education (General Provisions) Act 2006

An Act about the education of children and the participation of young people in education and training, and for other purposes

Chapter 1 Preliminary

Part 1 Introduction

1 Short title

This Act may be cited as the *Education (General Provisions) Act 2006*.

2 Commencement

(1) Section 512(2) and schedule 2 commence on 1 January 2007.

(2) Section 512(3) and schedule 3 commence on 1 January 2008.

(3) Subject to subsections (1) and (2), this Act commences on a day to be fixed by proclamation.

Part 2 Application

3 Act binds all persons

(1) This Act binds all persons including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States.

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(2) Subsection (1) does not make the State, the Commonwealth or another State liable to be prosecuted for an offence.

4 Interaction with other legislation

(1) This Act includes—

(a) provisions requiring young people to continue their schooling until they are 16 years or have completed year 10, whichever happens first; and

(b) provisions requiring young people to continue in education and training for a further period for the purpose of achieving a certificate of achievement, senior statement, certificate III or certificate IV.

(2) The *Further Education and Training Act 2014* includes provisions about some of the eligible options available to young people during this further period of learning.

(3) The E(QCAA) Act includes provisions about keeping student accounts for young people to record their participation in education and training.

Part 3 Objects

5 Objects of Act

(1) The objects of this Act are—

(a) to make available to each Queensland child or young person a high-quality education that will—

(i) help maximise the educational potential of the child or young person; and

(ii) enable the child or young person to become an effective and informed member of the community; and

(b) to provide universal access to high quality State education; and

(c) for chapter 10—

(i) to implement initiatives to ensure young people participate in a period of education or training after they turn 16 years or complete year 10; and

(ii) to outline a range of education and training options for them during this period.

(2) The objects are to be achieved mainly by—

(a) placing responsibilities on parents and the State in relation to the education of children and young people; and

(b) providing for the establishment of State educational institutions, and facilitating their operation as safe and supportive learning environments; and

(c) ensuring education programs are responsive to the individual needs of children and young people; and

(d) encouraging a parent's involvement in their child's education; and

(e) encouraging parental and community involvement in the operation of State educational institutions by enabling—

(i) the establishment of school councils for State schools; and

(ii) the formation of parents and citizens associations for State instructional institutions.

6 Activities to achieve objects of ch 10

To achieve the objects mentioned in section 5(1)(c), the chief executive may—

(a) carry on the following activities (***planning activities***)—

(i) monitoring the operation and effectiveness of chapter 10;

(ii) carrying out planning relating to the matters dealt with under chapter 10;

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(iii) developing strategies to better achieve the objects of chapter 10; and

(b) carry on the following activities (***re-engagement activities***)—

(i) identifying young persons in the compulsory participation phase who are not participating full-time in an eligible option;

(ii) giving them information about the options available to them;

(iii) encouraging them to participate in a way that achieves the best learning outcomes for them;

(iv) encouraging and helping their parents to play a role in the matters stated in subparagraphs (i) to (iii).

Note—

To help the chief executive carry on planning and re-engagement activities, the E(QCAA) Act, section 66 provides for information to be made available to the chief executive from student accounts kept by the QCAA for young persons in the compulsory participation phase.

Part 4 Guiding principles for achieving Act's objects

7 Guiding principles

The principles intended to guide the achievement of this Act's objects are the following—

(a) parents have the responsibility for choosing a suitable educational environment for their children;

(b) education should be provided in a way that—

(i) provides positive learning experiences for children and young people; and

(ii) promotes an inclusive, safe and supportive learning environment for children and young people; and

(iii) recognises the educational needs of children and young people of all abilities and from all backgrounds; and

(iv) recognises wellbeing as a foundation of educational engagement and outcomes for children and young people;

(c) children and young people should be actively involved in decisions affecting them to the extent that is appropriate having regard to their age and ability to understand;

(d) the State, parents, teachers, school communities and non-government entities should work collaboratively to foster a commitment to achieving the best educational outcomes for children and young people;

(e) for chapter 9, part 5, home education of a child or young person should be provided in a way that—

(i) is in the best interests of the child or young person taking into account their safety and wellbeing; and

(ii) ensures the child or young person receives a high-quality education;

(f) for chapter 10—

(i) the State should develop practical ways to improve the social, educational and employment outcomes of young people, including, in particular, those who are at risk of disengaging from education and training; and

(ii) the State should foster a community commitment to young people by involving members of the community and community organisations in—

(A) developing education and training opportunities for young people; and

(B) re-engaging young people in education and training; and

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(C) developing ways to improve the social outcomes of young people; and

(iii) the State should work with parents to achieve the best outcomes for young people; and

(iv) the State should work in consultation with non-government entities to achieve the objects of chapter 10.

Part 5 Interpretation

8 Definitions

The dictionary in schedule 4 defines particular words used in this Act.

9 Meaning of *compulsory school age*

(1) A child is of ***compulsory school age*** if the child is at least 6 years and 6 months, and less than 16 years.

(2) However, a child is no longer of compulsory school age if the child has completed year 10.

10 Meaning of *parent*

(1) A ***parent***, of a child, is any of the following persons—

(a) the child's mother;

(b) the child's father;

(c) a person who exercises parental responsibility for the child.

(2) However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.

(3) A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.

(4) A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.

(5) Despite subsections (1), (3) and (4), if—

(a) a person is granted guardianship of a child under the *Child Protection Act 1999*; or

(b) a person otherwise exercises parental responsibility for a child under a decision or order of a federal court or a court of a State;

then a reference in this Act to a parent of a child is a reference only to a person mentioned in paragraph (a) or (b).

11 Meaning of *basic allocation*, *remaining allocation* etc.

(1) ***Basic allocation*** is the allocation of 26 semesters of State education.

(2) Some students do not have the basic allocation but another number of semesters of State education is allocated to the student by a State school's principal.

(3) The ***remaining allocation*** for a student who had a basic allocation, began schooling in the preparatory year at a State school and continued to be enrolled at any State school is the basic allocation less the number of semesters of State education provided to the student.

(4) The ***remaining allocation*** for any of the following students is the number of semesters allocated to the student under section 61 less the number of semesters of State education provided to the student—

(a) a student who is not allocated a basic allocation under section 60;

(b) a student whose enrolment in a State school stopped—

(i) if the student is a child—at the request of the student's parent; or

(ii) if the student is an adult—at the request of the student;

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(c) a student whose enrolment in a State school stopped because of non-attendance by the student in accordance with a guideline published by the department;

(d) a student who received—

(i) schooling at a non-State school; or

(ii) home education under chapter 9, part 5;

(e) a student who received schooling outside Queensland;

(f) a student who is the subject of an exemption from compliance with section 176(1)(a) granted under chapter 9, part 3.

(5) ***Basic allocation*** and ***remaining allocation*** do not include—

(a) a semester of a State school kindergarten program; or

(b) an extra semester granted under chapter 4, part 3; or

(c) a further semester granted under chapter 4, part 5.

(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) A kindergarten student is not a student to whom subsection (4) applies.

Chapter 2 State educational institutions

Part 1 State education

12 Provision of State education

(1) For each student attending a State instructional institution, there must be provided an educational program approved by the Minister that—

(a) has regard to—

(i) the age, ability, aptitude and development of the student; and

(ii) whether enrolment in the educational program is compulsory or non-compulsory; and

(b) is an integral element within the total range of educational services offered with the prior approval of the Minister; and

(c) takes account, and promotes continuity, of the student's learning experiences; and

(d) recognises, and takes account of, the nature of knowledge.

(2) The duration of the educational program must be based on the basic allocation for a student.

Part 2 Establishment and naming of State educational institutions

13 Power to establish State schools

The Minister may establish schools at which the State provides primary, secondary or special education.

Note—

A State school kindergarten program may also be provided at a prescribed State school. See section 419A.

14 Power to establish institutions that provide educational instruction to persons enrolled at State schools

The Minister may establish institutions at which the State provides educational instruction to persons enrolled at State schools as an adjunct to the educational programs provided to the persons at the State schools, including, for example—

(a) environmental education centres; and

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(b) outdoor education centres.

15 Power to establish other educational institutions

If the Minister considers it necessary or convenient for the purposes of this Act, the Minister may establish educational institutions other than State instructional institutions, including, for example—

(a) centres for the support and development of teachers and officers of the department; and

(b) student hostels or student residential colleges.

16 Naming, and changing of name, of a State educational institution

The Minister may name, and change the name of, a State educational institution.

Part 3 Amalgamation or closure of State schools

17 Definition for pt 3

In this part—

closure, of a State school, does not include the following—

(a) the temporary closure of the school;

(b) the permanent closure of the school if the Minister is reasonably satisfied exceptional circumstances exist that justify the closure.

18 Notice of proposed closure or amalgamation

If the Minister proposes closing a State school or amalgamating 2 or more State schools, the Minister must publish a notice about the proposal in the gazette.

19 Consultation

(1) Before closing a State school, there must be adequate consultation by the Minister with each of the following—

(a) the school community;

(b) if there is a school council for the school—the school council;

(c) if there is an association formed for the school—the association;

(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.

(2) Before amalgamating 2 or more State schools, there must be adequate consultation by the Minister with each of the following—

(a) the school communities;

(b) if there is a school council established for any of the schools—the school council;

(c) if there is an association formed for any of the schools—the association;

(d) if any of the schools is a regional State school and there is a campus association formed for a campus of the school—the campus association.

20 Time to elapse before closure or amalgamation

If notice about a proposed closure of a State school or amalgamation of 2 or more State schools is published under section 18, the closure or amalgamation must not happen earlier than 6 months after the publication.

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Part 4 Bases for education provided, and testing, at State instructional institutions

21 Curriculum framework for State instructional institutions

(1) The Minister may decide on a curriculum framework that is to apply to a State instructional institution.

(2) In this section—

curriculum framework means the framework under which the institution's principal may decide the range of learning experiences to be offered to students attending the institution.

24 Direction by Minister about tests

(1) The Minister may direct the principal of a State instructional institution, providing education to students in the year of schooling to which an approved test or common national test relates, to administer the test at the institution.

(2) In this section—

approved test means a test, relating to a year of schooling, developed or revised by the QCAA under the E(QCAA) Act.

common national test means a common national test stated in the regulations made under the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* (Cwlth), section 19(4).

Part 6 Miscellaneous provisions

45 Inspection of State educational institution's premises

The Minister may arrange for a State educational institution's premises to be inspected at a time and in the way the Minister believes appropriate.

46 Investigation of complaint

(1) This section applies if—

(a) a person makes a complaint about the administration, management or operation of a State educational institution; and

(b) in the chief executive's opinion, the complaint is not frivolous or vexatious.

(2) The chief executive must—

(a) investigate the complaint; or

(b) cause the complaint to be investigated by an appropriately qualified officer of the department.

Note—

Under section 432, the chief executive may delegate the chief executive's functions under this section to an appropriately qualified officer of the department.

47 Use of State educational institution's premises

(1) The Minister may permit a person to use a State educational institution's premises located on reserve land for any purpose, including a purpose not connected with education.

(2) Permission may be given under subsection (1) on reasonable conditions the Minister considers appropriate.

(3) In this section—

reserve land means land dedicated as a reserve under the *Land Act 1994*, section 31 for educational purposes.

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Chapter 3 Cost of providing State education

48 Definitions for ch 3

In this chapter—

chief executive (transport) means the chief executive of the department in which the *Transport Operations (Passenger Transport) Act 1994* is administered.

corresponding law means a law of another State corresponding, or substantially corresponding, to this Act.

nearest applicable school, for a person, means the nearest State school, or equivalent of a State school under a corresponding law, with the required year level for the person.

permanent resident means the holder of a permanent visa as defined by the *Migration Act 1958* (Cwlth), section 30(1).

49 Meaning of *remote area*

A person lives in a ***remote area*** if—

(a) the person's principal place of residence—

(i) is at least 16km from the nearest applicable school; and

(ii) is at least 4.5km from a school transport service approved by the chief executive (transport) or a public transport service to the nearest applicable school; or

(b) the person's principal place of residence—

(i) is at least 16km from the nearest applicable school; and

(ii) is less than 4.5km from a school transport service approved by the chief executive (transport) or a public transport service to the nearest applicable school; and

(iii) is—

(A) at least 56km from the nearest applicable school using the route travelled by the transport service; or

(B) at least 3 hours travelling time a day from the nearest applicable school using the transport service.

50 State education to be free

(1) This section applies in relation to—

(a) a person enrolled at a State school; or

(b) a person registered in a distance education kindergarten learning program provided by a State school;

who is—

(c) an Australian citizen or permanent resident; or

(d) a child of an Australian citizen or permanent resident.

(2) The cost of providing instruction, administration and facilities for the education of the person at the school must be met by the State.

(3) This section applies subject to sections 51, 52 and 55.

(4) In this section—

person enrolled at a State school does not include a person who is also enrolled at a non-State school unless the person's enrolment at the State school preceded the person's enrolment at the non-State school.

51 Power to charge particular persons or for particular educational services

(1) Subsection (3) applies in relation to a person who—

(a) is receiving, or intends to receive, education at a State school; and

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(b) is not—

(i) an Australian citizen or permanent resident; or

(ii) a child of an Australian citizen or permanent resident.

(2) Subsection (3) also applies in relation to a person enrolled at both a State school and non-State school if the person's enrolment at the non-State school preceded the person's enrolment at the State school.

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

(4) Also, the chief executive may charge a person mentioned in section 50(1)—

(a) a fee for providing an educational service to the person not met by the State under section 50(2); or

(b) a fee for the provision of an educational service by an entity to the person if the State school at which the person is enrolled has been charged by the entity for the provision of the educational service.

(5) In addition, the chief executive may charge a person not enrolled at a State school a fee for the education of the person at the school.

(6) The chief executive's power to charge a person a fee under this section includes a power to—

(a) exempt any person or matter from payment of the fee; or

(b) waive payment of the fee for any person or matter; or

(c) refund a fee paid under this section.

(7) If a fee for a person mentioned in subsection (1) is not paid—

(a) the person is not entitled to be enrolled at a State school; and

(b) the chief executive may cancel the enrolment of the person.

52 Fee for distance education provided by a State school

(1) This section applies to—

(a) a person enrolled in a program of distance education at a State school; or

(b) a person, other than a State school student, who is enrolled to undertake a component of a program of distance education at a State school but is not enrolled in the program at the school.

(2) The fee prescribed under a regulation must be paid for the provision of distance education to the person.

(3) If the fee payable under subsection (2) for the person is not paid—

(a) the person is not entitled to be enrolled in, or undertake, the program of distance education mentioned in subsection (1); and

(b) the chief executive may cancel the person's enrolment.

(4) In this section—

State school student means a person enrolled at a State school.

53 When fee for distance education is not payable

(1) Despite section 52(2), the fee is not payable if the person is a person mentioned in section 52(1)(a) and—

(a) the person lives in a remote area; or

(b) the person—

(i) can not attend a State school, other than a school of distance education, for more than 80 consecutive school days because of the person's state of health; and

(ii) gives the chief executive a medical certificate stating that fact; or

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

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

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

(d) the person has an itinerant lifestyle; or

(e) the person is suspended from a State school under chapter 12, part 3, division 2 on a charge-related ground; or

(f) the person—

(i) is excluded from a State school under section 291, or from certain State schools under section 298; and

(ii) would live in a remote area if the school, or schools, from which the person is excluded were taken not to be a nearest applicable school for the definition *remote area*; or

(g) the person is excluded from all State schools under section 298 or 309; or

(h) the person can not attend a State school, other than a school of distance education, because the person is caring for the person's child or a child for whom the person has or exercises parental responsibility; or

(i) the person—

(i) can not attend a State school, other than a school of distance education, because the person is caring for someone, other than a child mentioned in paragraph (h), on a regular basis; and

(ii) gives the chief executive a medical certificate stating that fact; or

(j) the person—

(i) can not be a mature age student of a mature age State school because the person has been refused enrolment at the school; or

(ii) can not reasonably be expected to be a mature age student of a mature age State school because the nearest mature age State school to the person's principal place of residence is at least 16km from the residence.

(k) the person is in the custody of the chief executive (corrective services) at a corrective services facility under the *Corrective Services Act 2006*.

(2) For subsection (1)(d), a person has an itinerant lifestyle if—

(a) because of the nature of the occupation in which the person or a parent of the person is engaged—

(i) the person's principal place of residence changes at least twice in the relevant school year or at least 5 times in the period consisting of the relevant school year and the school year immediately before or after the relevant school year; or

(ii) the person spends at least 60 school days of the relevant school year (consisting of periods of 5 consecutive school days or more) away from the person's principal place of residence; or

(iii) the person's principal place of residence is a caravan and the location of the caravan changes at least twice in the relevant school year or at least 5 times in the period consisting of the relevant school year and the school year immediately before or after the relevant school year; or

(iv) the place where the person lives changes at least twice in the relevant school year and the person does not have a principal place of residence; and

Examples of an occupation for paragraph (a)—

carnival worker, contract harvester or shearer

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(b) the person spends at least 120 school days of the relevant school year in the State.

(3) In this section—

caravan means a caravan under the *Residential Tenancies and Rooming Accommodation Act 2008*.

medical certificate means a certificate signed by a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student, or a medical practitioner.

relevant school year means the school year in relation to which the person is enrolled in a program of distance education at a State school.

54 Waiver of fee for distance education

(1) The chief executive may waive, entirely or partly, payment of the fee mentioned in section 52(2) for a person if—

(a) the chief executive is satisfied—

(i) the person is or has been enrolled in, or undertaking a component of, a program of distance education and would suffer a significant educational disadvantage if the person were not able to continue in the program; and

(ii) payment of the fee would cause financial hardship to the person liable to pay it; or

Example for paragraph (a)—

A parent of a child enrolled in a program of distance education for 1 year may be unable to pay the fee for the following year because of temporary financial hardship.

(b) for a person enrolled in a program, or enrolled to undertake a component of a program, of distance education—the chief executive is satisfied the waiver is appropriate and reasonable because exceptional circumstances exist in relation to the person.

(2) In making a decision under subsection (1)(b) about waiving payment of the fee for a person, the chief executive may have regard to any relevant matter of which the chief executive is aware, including, for example—

(a) whether the person would suffer a significant educational disadvantage if the person were not able to enrol in a program, or enrol to undertake a component of a program, of distance education; or

(b) whether a program, or a component of a program, of distance education is the most appropriate educational program for the person.

55 Charging for specialised educational program

(1) This section applies to a State school that is approved by the chief executive to offer a specialised educational program prescribed under a regulation.

(2) The fee, for the program, prescribed under a regulation must be paid for the undertaking of the program.

(3) For subsection (2)—

(a) if a child is undertaking the program—a parent of the child must pay the fee; or

(b) if an adult is undertaking the program—that person must pay the fee.

(4) However, the chief executive may waive, entirely or partly, payment of the fee if the chief executive is satisfied—

(a) payment of the fee would cause financial hardship to the person liable to pay it; and

(b) the person wishing to undertake the program would suffer a significant educational disadvantage if the person can not undertake the program.

(5) The chief executive must ensure a list of State schools approved under subsection (1) is available for public inspection, without charge—

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(a) during normal business hours at the department's head office; and

(b) on the department's website.

(6) In this section—

specialised educational program means an educational program not usually offered by a State school.

56 Voluntary financial contribution

(1) Despite section 50, a State school's principal may ask the parents of a student of the school to make a voluntary financial contribution towards the cost of providing instruction, administration and facilities for the education of the student at the school.

(2) The student must still be provided the education even if the parents do not make the financial contribution.

(3) If the student is an adult, subsections (1) and (2) apply as if the reference in the subsections to the student's parents were a reference to the student.

Chapter 4 Allocation of State education

Part 1 Preliminary

57 Definition for ch 4

In this chapter—

student includes a person who is not enrolled at a State school.

58 Application of chapter to student under 16 years

A student who is under 16 years at the time of starting a semester in a school year at a State school, but who does not have any remaining allocation, may attend the State school for all of the semester without making an application under part 3 or 5.

Part 2 Basic allocation, initial allocation and remaining allocation

60 Basic allocation

(1) If a student begins schooling in the preparatory year at a State school, the student has the basic allocation determined from the start of the calendar year in which the student begins schooling.

(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.

61 Initial remaining allocation

(1) This section applies to a student mentioned in section 11(4).

(2) If an application is made under section 155 to enrol the student at a State school, the State school's principal must decide the student's initial remaining allocation.

(3) If the student has been the subject of an exemption under chapter 9, part 3 and did not undertake an educational program for all or part of the period of the exemption (the ***excused period***), the excused period must not be included in calculating the student's initial remaining allocation.

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62 Principal must consider initial remaining allocation for certain students

(1) This section applies to a decision, under section 61, by a State school's principal.

(2) The principal's decision about a student's initial remaining allocation must be made in the way the principal considers appropriate after considering all relevant matters, including, for example—

(a) the age, ability, aptitude and development of the student; and

(b) the need to take account and promote continuity of the student's initial learning experiences; and

(c) whether the enrolment is compulsory or non-compulsory; and

(d) if the student's initial enrolment is non-compulsory—the student's initial commitment to complete a course of study.

(3) The principal must make the decision within a reasonable time after the application was made to enrol the student at the school.

(4) After making the decision, the principal must—

(a) immediately advise the student of the decision; and

(b) within 7 days after advising the student of the decision, give the student an information notice about the decision.

63 Notice to certain students about remaining allocation

(1) This section applies to a student—

(a) who is enrolled in semester 2 in a year at a State school; and

(b) whose remaining allocation will be not more than 4 semesters at the end of the year.

(2) By the end of the year, the principal of the State school must give notice to the student about the student's remaining allocation after the end of semester 2 of the year.

(3) The notice may be included with another report or document given to the student.

64 Information to be given to repeating student

(1) This section applies to a student who has been approved by a State school's principal to repeat, at the school, a year of schooling for which the student has already been enrolled at the school.

(2) The principal must, as soon as practicable after the approval, give the student written information about the allocation of State education under this chapter.

Part 3 Extra semesters may be granted by principals

65 Application for extra semesters if no remaining allocation

(1) This section applies to a student who does not have any remaining allocation.

(2) The student may apply, in the approved form, to a State school's principal for the granting, in a school year, of not more than 2 extra semesters of State education at the State school.

(3) The application must be given to the principal—

(a) more than 12 weeks before the start of the semester, or the first of the semesters, to which the application relates; or

(b) if the principal allows a later time for giving the application—before the later time.

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66 Principal must consider and decide application for extra semesters

(1) The principal must consider the application and decide it in the way the principal considers appropriate after considering all relevant matters, including, for example—

(a) whether the student is of compulsory school age; and

(b) the likely educational outcome of the student attending the school for the extra semester or semesters; and

(c) the likely impact on the resources of the State school of the student attending the State school for the extra semester or semesters.

(2) However, the principal must make the decision within a reasonable time after the making of the application, allowing for the need to collect and analyse the results of any assessment of the student undertaken during the semester immediately before the semester, or the earlier of the semesters, to which the application relates.

(3) After making the decision, the principal must—

(a) immediately advise the student of the decision; and

(b) within 7 days after advising the student of the decision, give the student an information notice about the decision.

67 Limitation on extra semesters granted by principals

No more than 2 extra semesters may be granted to a student under this part.

Part 5 Further semesters may be granted by chief executive

70 Definition for pt 5

In this part—

stated State school see section 71(2).

71 Application for further semesters if no remaining allocation and after extra semesters

(1) This section applies to a student who does not have any remaining allocation and who has been granted 2 extra semesters under part 3.

(2) The student may apply, in the approved form, to the chief executive for the granting of not more than 2 further semesters of State education at a State school stated in the application (the ***stated State school***).

(3) The application must be made to the chief executive—

(a) more than 12 weeks before the start of the semester, or the first of the semesters, to which the application relates; or

(b) if the chief executive allows a later time for making the application—before the later time.

72 Chief executive must consider and decide application for further semesters

(1) The chief executive must consider the application and decide the application in the way the chief executive considers appropriate after considering all relevant matters, including, for example—

(a) whether the student is of compulsory school age; and

(b) the likely educational outcome of the student attending the stated State school for the further semester or semesters; and

(c) the likely impact on the resources of the stated State school of the student attending the stated State school for the further semester or semesters.

(2) However, the chief executive must make the decision within a reasonable time after the making of the application, allowing for the need to collect and analyse the results of any

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assessment of the student undertaken during the semester immediately before the semester, or the earlier of the semesters, to which the application relates.

(3) After the chief executive decides the application, the chief executive must—

(a) immediately advise the student of the decision; and

(b) within 7 days after advising the student of the decision—

(i) if the student has not previously been granted 2 further semesters under this part—give the student an information notice about the decision; or

(ii) if the student has previously been granted 2 further semesters under this part—give the student a notice complying with the QCAT Act, section 157(2).

Note—

See chapter 15, part 4 for review of the decision by QCAT.

73 Chief executive to give notice to principal if further semesters granted

(1) If the chief executive decides to grant the application, the chief executive must give notice of the decision to the stated State school's principal.

(2) The notice must state—

(a) the student's name; and

(b) the student's educational level; and

(c) the period of the extension; and

(d) any other information the chief executive is reasonably satisfied the principal should be aware of in relation to the decision.

74 Limitation on further semesters granted by chief executive

No more than 4 further semesters may be granted to a student under this part.

Part 6 Copy of notice to be given to parent

75 Copy of notice under this chapter to be given to parent

(1) If a person is required, under this chapter, to give a notice to a student and the student is a child, the person must as soon as practicable give a copy of the notice to a parent of the child.

(2) For giving the copy to a parent, the person may rely on the relevant State school's records about the child's parents and the current residential address of each parent.

(3) Subsection (1) does not apply if the person is satisfied it would be inappropriate in the circumstances to give the copy to the parent.

Example—

It may be inappropriate to give the parent a copy of the notice if the student is living independently of the student's parents.

(4) In this section—

parent, of a child, includes a person standing in the place of a parent of the child on a temporary basis.

Chapter 5 Religious instruction

76 Religious instruction in school hours

(1) Any minister of a religious denomination or society, or an accredited representative of a religious denomination or

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society, which representative has been approved by the Minister for the purpose, shall be entitled during school hours to give to the students in attendance at a State school who are members of the denomination or society of which the person is a minister or the accredited representative religious instruction in accordance with regulations prescribed in that behalf during a period not exceeding 1 hour in each week on such day as the principal of that school appoints.

(2) Instruction in accordance with a regulation may be given in State primary and special schools during school hours in selected Bible lessons.

(3) A separate reading book shall be provided for such purpose.

(4) Instruction of a kind mentioned in subsection (2) is not to include any teaching in the distinctive tenets or doctrines of any religious denomination, society or sect.

(5) Notwithstanding anything in this section, any parent of a student in attendance at a State school may withdraw such student from all religious instruction in such school by notification in writing to the principal that the parent desires the student to be so withdrawn.

(6) This section does not apply in relation to—

(a) a student enrolled in the preparatory year at a State school; or

(b) a kindergarten student.

Chapter 6 School councils

Part 1 Preliminary

77 Definitions for ch 6

In this chapter—

alternative association member see section 88(2).

appointed member, of a school council, means a member of the council appointed, under the council's constitution, by the council.

chairperson, of a school council, means a person elected as chairperson of the council under section 89.

coopted student member, of a school council established for a State school that does not offer secondary education, means a year 6 student of the school who is coopted as a member of the council under the council's constitution.

elected member, of a school council, means a person who is an elected member of the council under section 86.

elected parent member, of a school council, means a parent of a child attending the school for which the council is established who is elected—

(a) under the constitution of—

(i) an association formed for the school; or

(ii) if the school is a regional State school—a campus association formed for a campus of the school; or

(b) otherwise—by a secret ballot under the council's constitution.

elected staff member, of a school council, means a member of the staff of the school for which the council is established who is elected by a secret ballot, held under the council's constitution, of all the persons who are—

(a) employed by the department and assigned to the school; or

(b) otherwise employed full-time or part-time at the school.

elected student member, of a school council established for a State school offering secondary education for year 10, 11 or 12, means a student in year 10, 11 or 12 at the school who is elected by a poll, held under the council's constitution, in which only those students at the school in year 10, 11 or 12 may vote.

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official member, of a school council, means a person who is an official member of the council under section 85.

Part 2 Object of chapter

78 Object

(1) The object of this chapter is to improve student learning outcomes by providing for the establishment and operation of school councils.

(2) A school council has particular functions for guiding the broad strategic direction of the State school for which it is established.

Part 3 Establishment, name, functions and other matters

79 Establishment

(1) Subject to section 109(6) and (7), the chief executive may, by notice in the gazette, establish a school council for a State school.

(2) A school council established under subsection (1) may have functions only about the school for which the council is established.

80 Name

The school council established for a State school is named as follows—

(a) if the name of the school ends with 'school'—the council is called '. . . (*insert* name of school) Council';

(b) otherwise—the council is called '. . . (*insert* name of school) School Council'.

81 Functions

(1) A school council for a State school has the following functions—

(a) monitoring the school's strategic direction;

(b) approving—

(i) plans and policies of the school of a strategic nature; or

(ii) other documents affecting strategic matters, including the annual estimate of revenue and expenditure for the school;

(c) monitoring the implementation of the plans, policies and other documents mentioned in paragraph (b);

(d) advising the school's principal about strategic matters.

(2) The council must perform its functions in a way that achieves the best learning outcomes for the school's students.

(3) Despite subsections (1) and (2), a school council may not—

(a) interfere with the management by the school's principal of the day-to-day operations of the school and its curriculum; or

(b) make operational decisions about the use of teaching or learning resources at the school; or

(c) make decisions about the individual teaching style used, or to be used, at the school; or

(d) make a decision that is contrary to law or a written policy of the department.

82 School councils do not have certain powers

A school council may not—

(a) have control of funds; or

(b) enter into contracts; or

(c) acquire, hold, dispose of or deal with property; or

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(d) sue or be sued.

Part 4 Membership

83 Membership of a school council

(1) A school council consists of official members, elected members and appointed members.

(2) Also, if the State school for which the council is established does not offer secondary education, a school council may also include a coopted student member.

84 Number

(1) The number of members of a school council must be at least 6 and not more than 15.

(2) A school council must include at least—

(a) 1 elected parent member; and

(b) 1 elected staff member.

(3) The number of elected parent members and elected staff members of a school council must be equal.

(4) A school council must include not more than 2 elected student members and 2 appointed members.

(5) If the State school for which a school council is established provides secondary education for year 10, 11 or 12, the council must include at least 1 elected student member.

85 Official members

(1) The official members of a school council for a State school are—

(a) the school's principal; and

(b) if there is an association formed for the school or, for a regional State school, there is a campus association

formed for a campus of the school—the president of the association or campus association.

(2) An official member of a school council is not eligible to be an elected member, or appointed member, of the council.

86 Elected members

(1) The elected members of a school council are—

(a) the elected parent members; and

(b) the elected staff members; and

(c) if the school for which the council is established offers secondary education for year 10, 11 or 12—the elected student members.

(2) A poll for the election of an elected student member of a school council may take place at the same time as, or be combined with, other elections at the State school for which the council is established involving students, including, for example, the election of the school's captain and vice-captain.

(3) Subsection (4) applies if, at the time of closure of nominations for the elected members of a school council, the number of nominations is less than the number of elected members required to be elected.

(4) The person who, under the council's constitution, is responsible for conducting the election for the elected members must declare the persons who are properly nominated under the constitution to have been elected.

87 Coopted student member

A coopted student member of a school council—

(a) does not have the power to vote on a matter before the council despite section 101(1), (2) and (3); and

(b) may not be elected as the council's chairperson under section 89 or be chosen to preside at a council meeting under section 100(2).

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88 Alternative association member

(1) This section applies in relation to the president of—

(a) an association formed for a State school; or

(b) a campus association formed for a campus of a regional State school.

(2) The president of the association or campus association may, under the association's constitution, appoint another association member (the ***alternative association member***) to attend meetings of a school council for the school in the place of the president when the president can not attend the meetings.

(3) When attending a meeting of the council under subsection (2), the alternative association member has the same rights and duties as the president.

(4) An elected member, or appointed member, of the council is ineligible for appointment by the president as the alternative association member.

89 Chairperson

(1) A school council for a State school must elect one of the council's members as chairperson of the council.

(2) The school's principal may not be elected as chairperson of the council.

(3) A school council's chairperson holds office for the term decided by the council (the ***chairperson's term***), unless the person's term of office as a member of the council ends sooner than the chairperson's term.

(4) Subsection (5) applies if—

(a) an association has been formed for the school for which a school council is established or, for a regional State school, a campus association has been formed for a campus of the school; and

(b) the president of the association or campus association is the chairperson of the council; and

(c) an alternative association member is attending a meeting of the council in place of the president.

(5) Despite section 88(3), the alternative association member may not preside at the meeting, unless the alternative association member is chosen to preside under section 100(2).

90 Term of office for elected member or appointed member

(1) Each elected member, or appointed member, of a school council holds office for the term, not longer than 2 years, stated in the council's constitution.

(2) However, subject to section 84, the council's constitution may provide for up to the following number of the council's first elected members to hold office for a term of not longer than 3 years—

(a) if the number of the first elected members is an even number—one-half of the number of the first elected members;

(b) if the number of the first elected members is an odd number—the whole number next higher than one-half of the number of the first elected members.

91 Casual vacancy in office of elected member or appointed member

(1) If a vacancy occurs in the office of an elected member, or appointed member, of a school council (the ***vacating member***) during the currency of the member's term of office, another person (the ***new member***) must be elected or appointed under this part to fill the vacancy.

(2) The new member holds office for the remainder of the vacating member's term of office or until the new member sooner vacates the office.

(3) If a vacancy occurs in the office of an elected member, the new member must be of the same type of elected member, under section 86, as the vacating member.

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92 Vacation of office

(1) The office of an elected member, or appointed member, of a school council for a State school becomes vacant if the member—

(a) dies; or

(b) resigns the member's office by signed notice of resignation—

(i) for the council's chairperson—given to the school principal's supervisor; or

(ii) for another council member—given to the council's chairperson; or

(c) is absent from 3 consecutive meetings of the council, of which the member has been given notice under the council's constitution, without the council's leave and without reasonable excuse; or

(d) stops being eligible, under this Act or the council's constitution, for election or appointment to the office.

(2) A notice of resignation mentioned in subsection (1)(b) takes effect when the notice is given under that paragraph or, if a later time is stated in the notice, the later time.

(3) If the office of an elected member, or appointed member, of a school council is vacant and, because of the vacancy, the membership does not comply with section 84, the council is taken to be validly constituted until the earlier of the following happens—

(a) the day the vacancy is filled;

(b) the expiry of 3 months after the day the vacancy arose.

(4) In this section—

meeting, of the council, means—

(a) if the relevant member does not attend—a meeting of the council with a quorum for the council present; or

(b) if the relevant member attends—a meeting of the council with or without a quorum for the council present.

93 Disqualification from membership

(1) A person can not become, or continue as, an elected parent member, elected staff member, or appointed member, of a school council if the person has been convicted of an indictable offence, unless the Minister gives an approval under this section.

(2) If the Minister considers it would be reasonable, having regard to the circumstances of the indictable offence of which a person has been convicted, the Minister may—

(a) if the person was a member when convicted—give notice to the council's chairperson and the person that the person is restored as a member, and may be later re-elected or reappointed, despite the conviction; or

(b) otherwise—give written approval for the person to be elected or appointed as a council member despite the conviction.

(3) On the day the council's chairperson receives a notice under subsection (2)(a)—

(a) the person is restored as a council member; and

(b) if another person has been elected or appointed to fill the vacancy—the other person's appointment ends.

(4) If a person is restored as a council member under subsection (3), the person's term of office as a council member ends when it would have ended if the person had not been convicted of the offence.

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Part 5 Constitution

94 Constitution for school council

(1) A school council must have a constitution.

(2) The council's constitution must provide for the following—

(a) membership of the council, including—

(i) eligibility for election as, or to vote for, an elected member of the council; and

(ii) eligibility for appointment as an appointed member of the council; and

(iii) procedures for election or appointment; and

(iv) when the term of office of an elected member, or appointed member, of the council starts and ends; and

(v) if there is an association formed for the school for which the council is established or, for a regional State school, there is a campus association formed for a campus of the school—the way in which the president of the association or campus association must give notice to the council's chairperson about the appointment of an alternative association member;

(b) election of, and other matters relating to, the council's chairperson;

(c) conduct of council business;

(d) the way the council performs its functions.

(3) The constitution may also provide for other matters the council considers appropriate for inclusion in it.

(4) However, the provisions of a council's constitution about membership of the council—

(a) must comply with part 4; and

(b) if there is an association formed for the school for which the council is established or, for a regional State school, there is a campus association formed for a campus of the school—are subject to the provisions of the constitution of the association or campus association about the election of an elected parent member of the council.

95 Amendment of school council's constitution

(1) A school council for a State school may prepare and adopt an amendment of its constitution.

(2) In preparing a proposed amendment, the council must have regard to the model constitution.

(3) An amendment has no effect unless—

(a) the amended constitution is consistent with the model constitution; or

(b) the amendment is approved by the chief executive.

(4) The chief executive must not approve an amendment unless the chief executive is satisfied—

(a) notice of the proposed amendment was given, at least 30 days before the council meeting that considered the amendment, to the following—

(i) the council members;

(ii) if there is an association formed for the school or, for a regional State school, there is a campus association formed for a campus of the school—the association or campus association;

(iii) the school's staff (including, for example, by displaying the proposed amendment in a staff room);

(iv) the school's students (including, for example, by publishing the proposed amendment in the school's newsletter); and

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(b) the amendment was adopted by at least the number of members constituting a quorum for the council; and

(c) the amended constitution is consistent with this Act and otherwise lawful.

(5) In deciding whether to approve an amendment, the chief executive must also have regard to the following matters about the amended constitution—

(a) whether it provides for a membership that—

(i) allows adequate representation by parents, staff, students and other members of the school community; and

(ii) takes into account the demographics of the school community;

(b) whether it provides for the council to perform its functions in an effective and fair way;

(c) whether its provisions are otherwise adequate, clear and appropriate.

96 Model constitution for school councils

The chief executive may prepare a model constitution for school councils (the ***model constitution***).

Part 6 Council business

97 Conduct of business

(1) Subject to its constitution and this part, a school council may conduct its business, including its meetings, in the way it considers appropriate.

(2) However, a school council may only make decisions about how it will carry out its functions if it does so at a council meeting at which a quorum for the council is present.

98 Time and place of meetings

(1) School council meetings must be held at the times and places the council decides.

(2) However, a school council's chairperson—

(a) may call a meeting at any time; and

(b) must call a meeting if asked, in writing, to do so by the Minister, the chief executive or at least the number of its members required to form a quorum for the council.

(3) A school council must meet at least twice in each semester.

99 Quorum

A quorum for a school council is the number equal to two-thirds of the number of its members or, if two-thirds is not a whole number, the next highest whole number.

100 Presiding at meetings

(1) The school council's chairperson must preside at all council meetings at which the chairperson is present.

(2) If the chairperson is absent from a council meeting, another council member chosen by the council members present must preside.

101 Conduct of meetings

(1) A question at a school council meeting, other than a question about an amendment of the council's constitution, must be decided by a majority of the votes of the council members present.

(2) Each member present at a council meeting has a vote on each question to be decided and, if the votes are equal, the member presiding has a casting vote.

(3) A member present at a council meeting who abstains from voting is taken to have voted for the negative.

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Not authorised—indicative only

(4) A school council may hold meetings, or allow its members to take part in its meetings, by telephone, video link or another form of communication that allows reasonably contemporaneous and continuous communication between the members taking part in the meeting.

(5) A school council member who takes part in a council meeting under subsection (4) is taken to be present at the meeting.

102 Attendance by proxy

(1) A member of a school council for a State school may not attend a meeting of the council by proxy.

(2) However, the school's principal may attend up to 2 meetings in each year by proxy.

(3) In this section—

proxy does not include an alternative association member for the president of an association formed for the school or, for a regional State school, the president of a campus association formed for a campus of the school.

103 Disclosure of interest

(1) This section applies to a member of a school council (the ***interested member***) if—

(a) the interested member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the council; and

(b) the interest could conflict with the proper performance of the interested member's duties when considering the issue.

(2) As soon as practicable after the relevant facts come to the interested member's knowledge, the interested member must disclose the nature of the interest to a meeting of the council.

(3) Unless the council otherwise directs, the interested member must not—

(a) be present when the council considers the issue; or

(b) take part in a decision of the council about the issue.

(4) The interested member must not be present when the council is considering whether to give a direction under subsection (3).

(5) If there is another member who must, under subsection (2), also disclose an interest in the issue, the other member must not—

(a) be present when the council is considering whether to give a direction under subsection (3); or

(b) take part in making the decision about giving the direction.

(6) If—

(a) because of this section, a member is not present at a council meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and

(b) there would be a quorum for the council if the member were present;

the remaining members present are a quorum for the council for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.

(7) A disclosure under subsection (2) must be recorded in the council's minutes.

Part 7 Application of other laws

104 Criminal Law (Rehabilitation of Offenders) Act 1986

(1) For the application of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 9A, to the office of an elected member, or appointed member, of a school council, a person is taken to apply for the office if the person—

Not authorised—indicative only

Not authorised—indicative only

(a) consents to be appointed as an appointed member (whether or not the council has decided to appoint the person); or

(b) stands for election as an elected member.

(2) This section does not apply to an elected student member of the council.

105 Public Records Act 2023

A school council is a public authority under the *Public Records Act 2023*.

Editor's note—

Section 105 incorporates uncommenced amendments—see 2023 Act No. 33 s 107 sch 5.

107 Public Sector Ethics Act 1994

(1) This section is about the application of the *Public Sector Ethics Act 1994* (the ***Act***) to a school council.

(2) For the application of the Act—

(a) a school council is a public sector entity; and

(b) a member of the council is a public official of the entity; and

(c) the chief executive is the chief executive officer of the entity.

(3) For section 15 of the Act, the chief executive must ensure a code of conduct is prepared that, after approval under section 17 of the Act, applies to a school council.

(4) For section 23 of the Act, a reference to the entity's annual report is a reference to the department's annual report.

Part 8 Starting up

108 Purpose and application

(1) This part is about the establishment and initial operation of a school council.

(2) If there is an inconsistency between this part and another provision of this chapter, this part prevails to the extent of the inconsistency.

109 Initial constitution

(1) A State school's principal must prepare a draft constitution for a proposed school council for the school.

(2) Section 95(1) to (3) and (5) apply to the preparation as if a reference to a school council amending its constitution were a reference to the school's principal preparing the proposed council's draft constitution.

(3) In preparing the draft constitution, the principal—

(a) must consult with—

(i) the parents of children attending the school; and

(ii) the school's staff and students; and

(b) may consult with other appropriate entities.

(4) Subsection (4A) applies if—

(a) there is an association formed for the school; or

(b) for a regional State school—there is a campus association formed for a campus of the school.

(4A) The president of the association or campus association must, under its constitution, call a special meeting of the association or campus association (the ***association meeting***) for approving the draft constitution.

(5) The principal must call the following meetings for approving the draft constitution—

Not authorised—indicative only

Not authorised—indicative only

(a) if there is no association formed for the school or, for a regional State school, there is no campus association formed for a campus of the school—a meeting of the parents of children attending the school (the ***parent meeting***);

(b) a meeting of the school's staff (the ***staff meeting***).

(6) The chief executive may not establish a school council for the school unless the association meeting or parent meeting, and the staff meeting, are called and the draft constitution is approved as follows—

(a) if there is an association formed for the school or, for a regional State school, there is a campus association formed for a campus of the school—by secret ballot by a majority of the members of the association or campus association attending the association meeting;

(b) if there is no association formed for the school or, for a regional State school, there is no campus association formed for a campus of the school—by secret ballot by a majority of the parents attending the parent meeting;

(c) by secret ballot by a majority of the staff attending the staff meeting.

(7) However, the chief executive may establish a school council for the school, even though the draft constitution is not approved under subsection (6), if the chief executive—

(a) is satisfied of each of the following—

(i) if there is an association formed for the school or, for a regional State school, there is a campus association formed for a campus of the school, and the association or campus association did not approve the draft constitution under subsection (6)—there were at least 3 association meetings held to discuss the draft constitution during a 3-month period;

(ii) if there is no association formed for the school or, for a regional State school, there is no campus association formed for a campus of the school, and

the parents of children attending the school, or campus, did not approve the draft constitution under subsection (6)—there were at least 3 parent meetings held to discuss the draft constitution during a 3-month period;

(iii) if the school's staff did not approve the draft constitution under subsection (6)—there were at least 3 staff meetings held to discuss the draft constitution during a 3-month period; and

(b) has had regard to the concerns of the association, parents or staff raised at the meetings at which the draft constitution was not approved.

(8) The approved constitution applies to the council on its establishment.

110 Initial membership

(1) On its establishment, a school council consists only of its official members.

(2) However, a school council consisting only of its official members may only perform the functions necessary for the election of the council's elected members.

111 First elected members and appointed members

(1) As soon as practicable after a school council is established, its official members must, under the council's constitution, organise the election of the council's elected members.

(2) After the election, the council, as constituted by its official members and elected members, may appoint the council's appointed members.

Not authorised—indicative only

Not authorised—indicative only

Part 9 Dissolution

112 Dissolution of a school council

(1) A school council is dissolved—

(a) if the school for which it was established is closed; or

(b) in other circumstances prescribed under a regulation.

(2) On dissolution, the members of the council immediately before the dissolution go out of office.

113 Records

(1) As soon as practicable after the dissolution of a school council for a State school, the school's principal must ensure the council's records are given to the chief executive.

(2) In this section—

records, of the council, includes all documents held by the council that it has created or acquired in the course of performing its functions.

Part 10 Miscellaneous

114 School council not to establish committee or subcommittee

A school council must not establish a committee or subcommittee.

115 Expense of attending meetings

The chief executive may—

(a) decide the allowance payable to compensate a member of a school council in attending a meeting of the council, the amount of which is dependent on the class of membership of the council; or

(b) reimburse a member of a school council the whole or part of the reasonable expenses incurred by the member in attending a meeting of the council.

116 Minister's power to give directions in the public interest

(1) The Minister may give a school council a written direction about a matter relevant to the performance of its functions under section 81 if the Minister is satisfied it is necessary to give the direction in the public interest.

(2) Without limiting subsection (1), a direction may require the council to comply with—

(a) a policy, standard or other instrument of a public sector unit; or

(b) another document, including, for example, another policy, standard or instrument.

(3) The council must comply with the direction.

(4) A direction to a school council must be addressed to its chairperson and may be sent by post, facsimile or similar facility to the school.

(5) The Minister must give a copy of each direction, given under this section, to the chief executive.

(6) The department's annual report for a year must include copies of all directions given under this section during the year.

117 Protection from liability

(1) A member of a school council does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.

(2) If subsection (1) prevents a civil liability attaching to a member of a school council, the liability attaches instead to the State.

Not authorised—indicative only

Not authorised—indicative only

(3) This section does not apply to a member of a school council if the member is a prescribed person under the *Public Sector Act 2022*, section 267.

Note—

For protection from civil liability in relation to prescribed persons under the *Public Sector Act 2022*, section 267, see the *Public Sector Act 2022*, section 269.

Chapter 7 Parents and citizens associations

Part 1 Formation, objectives etc. of an association

118 Formation of parents and citizens association

(1) A parents and citizens association may be formed for a State instructional institution in the way prescribed under a regulation.

(2) The following persons are eligible to be members of a parents and citizens association formed for a State school—

(a) a parent of a child attending the school;

(b) a staff member of the school;

(c) an adult, other than a person mentioned in paragraph (a) or (b), who is interested in the school's welfare.

(3) The following persons are eligible to be members of a parents and citizens association formed for an educational institution established under section 14—

(a) a staff member of the institution;

(b) an adult, other than a person mentioned in paragraph (a), who is interested in the institution's welfare.

(4) A State instructional institution's principal is a member of a parents and citizens association formed for the institution.

(5) This section does not apply in relation to a State instructional institution that is a regional State school.

Note—

For a regional State school, see part 11.

119 Formation of interim parents and citizens association

(1) An interim parents and citizens association may be formed for a proposed State instructional institution, in the way prescribed under a regulation, within 2 years before the institution's proposed first day of operation.

(2) An adult interested in the welfare of a proposed State instructional institution is eligible to be a member of an interim parents and citizens association formed for the proposed State instructional institution.

(3) An interim parents and citizens association formed for a proposed State instructional institution is taken to be a parents and citizens association formed for the institution from the start of operation of the institution.

(4) This section does not apply in relation to a State instructional institution that is a regional State school.

Note—

For a regional State school, see part 11.

120 Objectives of an association

The objectives of an association are to promote the interests of, and facilitate the development and further improvement of, the State instructional institution, or proposed State instructional institution, for which it is formed.

121 Functions of an association

(1) An association has the following functions—

Not authorised—indicative only

Not authorised—indicative only

(a) fostering community interest in educational matters;

(b) trying to bring about closer cooperation between—

(i) for an association formed for a State school—the parents of children attending the school and other members of the community, staff members of the school and students of the school; or

(ii) for an association formed for an educational institution established under section 14—members of the community and staff members of the institution;

(c) if asked by the principal of the State instructional institution for which it is formed or of its own volition—giving advice and recommendations to the principal about issues relating to persons who receive educational instruction at the institution;

(d) if asked by the principal of the State instructional institution for which it is formed or of its own volition—giving advice and recommendations to the principal about the general operations and management of the institution;

(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 State instructional institution for which it is formed;

(f) performing any other functions, not inconsistent with this Act, as the Minister decides.

(2) In the performance of its functions, an association must comply with this Act and any written directions the Minister may give the association about—

(a) complying with departmental policies that apply to associations; or

(b) a matter relevant to the performance of its functions.

122 Dissolution of an association

An association is dissolved—

(a) if the State instructional institution for which it was formed—

(i) is closed; or

(ii) becomes a regional State school; or

(b) if the number of members of the association is 2 or less; or

(c) in other circumstances prescribed under a regulation.

Part 2 Officers of an association

123 Officers

(1) An association must at each annual general meeting of the association elect from its members, as prescribed under a regulation, the following officers—

(a) a president;

(b) at least 1 vice-president;

(c) a secretary;

(d) a treasurer;

(e) any additional officers, as decided by the association.

(2) The officers hold office in an honorary capacity.

(3) The office of treasurer of the association must not be held by the person who is the president or secretary of the association.

(4) The principal of the State instructional institution for which the association is formed may not be an office holder of the association.

Not authorised—indicative only

Not authorised—indicative only

124 Vacation of office

(1) The office of an officer of an association becomes vacant if the officer—

(a) dies; or

(b) resigns office by signed notice given to—

(i) for the president—a vice-president, or the secretary or treasurer, of the association; or

(ii) for another officer—the president of the association; or

(c) is absent from 3 consecutive meetings of the association, of which the member has been given notice under the association's constitution, without the association's leave and without reasonable excuse.

(2) A notice of resignation mentioned in subsection (1)(b) takes effect when the notice is given under that paragraph or, if a later time is stated in the notice, the later time.

(3) In this section—

meeting, of the association, means—

(a) if the relevant officer does not attend—a meeting of the association with a quorum for the association present; or

(b) if the relevant officer attends—a meeting of the association with or without a quorum for the association present.

Part 3 Executive committee of an association

125 Executive committee

(1) There is an executive committee of an association.

(2) The executive committee consists of the following persons—

(a) the president of the association;

(b) the vice-president, or vice-presidents, of the association;

(c) the secretary of the association;

(d) the treasurer of the association.

126 Restriction on who may be a member of executive committee

(1) Subsection (2) applies only at the time of election of the office holders of an association under section 123.

(2) The number of relevant staff members of the State instructional institution for which the association is formed who may be members of the executive committee of the association must not be more than one-third of the number of members of the executive committee.

(3) Subsection (2) does not apply to the association if—

(a) the chief executive reasonably believes that compliance with the requirement mentioned in that subsection will prevent all the positions of the executive committee being filled; and

(b) the chief executive notifies the association that it is not required to comply with that subsection.

(4) 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.

(5) In this section—

relevant staff member means—

(a) for a State school—a staff member of the school who is not a parent of a child attending the school; or

(b) for an educational institution established under section 14—a staff member of the institution.

Not authorised—indicative only

Not authorised—indicative only

127 Urgent matters

(1) For urgent matters only relating to the performance of the functions of an association, the executive committee of the association may take any necessary action.

(2) Despite the quorum for the association and section 129(1), the action may be taken by a majority vote of the executive committee.

(3) However, the executive committee may not remove a person as a member or officer of the association.

(4) If the executive committee acts under subsection (1), details of the action must be tabled at the next scheduled general meeting of the association or at a special meeting called for that purpose.

(5) Failure by the executive committee to comply with subsection (4) does not affect the validity of the action.

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

Part 4 Business of an association

128 Presiding at meetings

(1) The president of an association must preside at all association meetings at which the president is present.

(2) If the president is absent from an association meeting, but a vice-president of the association is present, a vice-president nominated and confirmed by majority vote at the meeting must preside.

(3) If neither the president or a vice-president is present at an association meeting or the offices are vacant, an association member chosen by the members present must preside.

129 Voting

(1) A question at an association meeting is decided by a majority of the votes of the members present.

(2) Each member present at an association meeting has a vote on each question to be decided, and if the votes on a question are equal, the person presiding at the meeting also has a casting vote.

129A Attendance at meetings

(1) This section applies in relation to an association meeting if a provision of this Act requires or permits a person to physically attend the meeting.

(2) A person who is required or permitted to attend the association meeting may do so by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting.

Examples of use of technology—

teleconferencing, videoconferencing

(3) A person who attends an association meeting under subsection (2) is taken to be present at the meeting.

Part 5 Subcommittees of an association

130 Subcommittees

(1) An association may establish, and appoint the members of, subcommittees, as prescribed under a regulation.

(2) Subcommittee meetings of an association must be called and conducted—

(a) in the way prescribed under a regulation; and

(b) subject to a regulation made under paragraph (a), in the way the association considers appropriate.

Not authorised—indicative only

Not authorised—indicative only

(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.

Part 6 Constitution of an association

131 Constitution

(1) An association must have a constitution.

(2) An association must adopt, or amend, its constitution in the way prescribed under a regulation.

(3) An association's constitution, or amendment of the constitution, has no effect unless it is approved by the chief executive.

Part 7 Financial provisions

132 Use of money received by association

Subject to section 137(4), any money received by an association must be applied by the association, at the direction of the Minister, to the following purposes—

(a) firstly, in paying expenses lawfully incurred by the association;

(b) secondly, in achieving the objectives, and performing the functions, of an association;

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

133 Association is statutory body under the Statutory Bodies Financial Arrangements Act 1982

(1) An association is a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which an association's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

134 Financial year

An association must have a financial year starting on 1 January in a year and ending on 31 December in the year.

135 Audit of accounts

(1) The accounts of an association for each financial year must be audited as prescribed under a regulation.

Editor's note—

Section 135(1) incorporates an uncommenced amendment—see 2023 Act No. 3 s 73 sch 1.

(2) An association must, by 31 May of the following year, give the chief executive a copy of its audited accounts for a financial year.

Part 8 Relevant agreements

136 Definition for pt 8

In this part—

relevant agreement, for an association, means an agreement benefiting persons who receive educational instruction at the State instructional institution for which the association is formed.

137 Power to enter into relevant agreements

(1) Despite this Act or another Act, the Minister and an association, acting jointly or severally, may enter into a relevant agreement with any person.

Not authorised—indicative only

Not authorised—indicative only

(2) If an association alone proposes to enter into a relevant agreement, before entering into the agreement, it must obtain the written approval of the Minister authorising it to enter into the agreement.

(3) An approval under subsection (2) may be given—

(a) generally for a type of agreement; or

(b) for a particular agreement.

(4) An association must deal with any money it receives under a relevant agreement—

(a) as the Minister directs; or

(b) otherwise—as the association believes appropriate, consistent with the objectives of an association.

(5) A relevant agreement entered into by an association must contain any conditions required by the Minister by notice—

(a) given to the association; or

(b) published in the gazette.

(6) The conditions may relate to a stated relevant agreement or relevant agreements of a stated type.

138 President to sign relevant agreement for an association

If an association makes a resolution to enter into a relevant agreement, the association's president may sign the agreement for the association.

Part 9 General provisions

139 Regulation may provide for membership

(1) A regulation may make provision about the way in which a person becomes a member of an association.

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

(3) However, a person's membership of an association is renewable each year at the annual general meeting of the association.

(4) A person who is refused membership of an association may make a submission to the Minister about the refusal, and apply, as provided under the QCAT Act, to QCAT for a review of the decision to refuse membership, as if the person had been a member of the association and been removed from the association.

140 Register of members

An association must establish and maintain a register of members of the association in the way prescribed under a regulation.

141 Protection from liability

(1) A member of an association does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.

(2) If subsection (1) prevents a civil liability attaching to a member of an association, the liability attaches instead to the State.

(3) This section does not apply to a member of an association if the member is a prescribed person under the *Public Sector Act 2022*, section 267.

Note—

For protection from civil liability in relation to prescribed persons under the *Public Sector Act 2022*, section 267, see the *Public Sector Act 2022*, section 269.

142 Association may employ

An association may employ the persons it considers necessary to achieve the objectives of an association.

Not authorised—indicative only

Not authorised—indicative only

142A Giving assistance to other State instructional institutions or associations

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

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

Examples of an event—

an accident, a deliberate act, a natural disaster

(b) an association formed for a State instructional institution mentioned in paragraph (a).

(2) In this section—

assistance includes financial assistance, other resources and services.

143 Mandatory insurance cover

An association must purchase and maintain the insurance cover required by the chief executive by notice published from time-to-time in the gazette.

144 Proceedings

(1) A proceeding may be started, and conducted, in the name of an association by—

(a) the association's president; or

(b) another member of the association appointed in writing for this subsection by the president.

(2) However, the Minister's approval must be obtained before starting the proceeding.

(3) A proceeding may be started, and conducted, against an association in its name.

(4) A document starting proceedings against an association under subsection (3), and any other document relevant to the proceedings, must be served on a member of the association's executive committee.

(5) As soon as practicable after being served with a document under subsection (4), the person served with the document must give the chief executive a copy of the document.

(6) The Minister may give an association a written direction about a proceeding started by or against the association under this section.

(7) The association must comply with the direction.

145 Notice of claim given under Personal Injuries Proceedings Act 2002, s 9(1)

(1) A notice of a claim required to be given to an association under the PIP Act, section 9(1) must be given to a member of the association's executive committee.

(2) As soon as practicable after receiving a notice of a claim under subsection (1), the person who receives the notice must give the chief executive a copy of the notice.

(3) The Minister may give an association a written direction about a notice of a claim given to the association under the PIP Act, section 9(1).

(4) The association must comply with the direction.

(5) In this section—

claim see the PIP Act, schedule.

PIP Act means the *Personal Injuries Proceedings Act 2002*.

146 Authority of an association

(1) Subsection (2) applies to a State instructional institution for which an association is formed.

(2) Without derogating from the authority of the institution's principal in the principal's capacity as the person in charge of

Not authorised—indicative only

Not authorised—indicative only

the institution, the association may exercise the authority in relation to the institution that is consistent with the functions of an association.

(3) An association must not exercise any authority over the teaching staff, or over the control or management, of the State instructional institution for which the association is formed.

147 Disclosure of interests by members of an association

(1) This section applies to a member of a relevant entity (the ***interested member***) if—

(a) the interested member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the entity; and

(b) the interest could conflict with the proper performance of the interested member's duties in relation to the consideration of the issue.

(2) As soon as practicable after the relevant facts come to the interested member's knowledge, the interested member must disclose the nature of the interest to a meeting of the entity.

(3) Unless the entity otherwise directs, the interested member must not—

(a) be present when the entity considers the issue; or

(b) take part in a decision of the entity about the issue.

(4) The interested member must not be present when the entity is considering whether to give a direction under subsection (3).

(5) If there is another member of the entity who must, under subsection (2), also disclose an interest in the issue, the other member must not—

(a) be present when the entity is considering whether to give a direction under subsection (3); or

(b) take part in making the decision about giving the direction.

(6) If—

(a) because of this section, a member of the entity is not present at an entity meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and

(b) there would be a quorum for the entity if the member were present;

the remaining members present are a quorum for the entity for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.

(7) A disclosure under subsection (2) must be recorded in the entity's minutes.

(8) In this section—

relevant entity means—

(a) an association; or

(b) the executive committee, or a subcommittee, of an association.

148 Honorary life membership of an association

(1) An association, other than an interim parents and citizens association, may decide to award honorary life membership of the association to a person who is or was a member of the association.

(2) The only basis for the award may be that the person has given long and meritorious service to the association.

(3) The decision must be made by a two-third majority vote of the members present at an annual general meeting of the association.

(4) A person who is the subject of a proposed resolution to award the person honorary life membership of an association must not—

(a) be present during discussions about the proposal, or voting on it, at a meeting of the association; and

Not authorised—indicative only

Not authorised—indicative only

(b) if the person is a member of the association—exercise the member's right to vote on the proposal, despite section 129(2).

Part 10 Removal of members and officers of an association

149 Definitions for pt 10

In this part—

nominated person, for an association, means a person who is a member, or a member and officer, of the association.

notice of removal means a notice, under section 152(3), from an association to a nominated person for the association removing the nominated person.

remove, a nominated person for an association, means—

(a) if the person is a member only of the association—remove the person as a member of the association; or

(b) if the person is a member of the association and one of its officers—remove the person as a member and officer of the association, or as an officer of the association only.

removed person see section 153(1).

150 Removal of nominated person

An association may remove a nominated person for the association only under this part.

151 Grounds for removal

Each of the following is a ground for removing a nominated person for an association—

(a) the nominated person is convicted of an indictable offence;

(b) the nominated person, without reasonable excuse, contravenes this Act or the association's constitution;

(c) for a nominated person who is an officer of the association—the nominated person, without reasonable excuse, fails to perform the duties of the office held in a competent manner;

(d) the nominated person engages in other conduct that is injurious or prejudicial to—

(i) the promotion of the interests of, or the facilitating of the development and further improvement of, the State instructional institution, or proposed State instructional institution, for which the association is formed; or

(ii) the good order and management of the State instructional institution, or proposed State instructional institution, for which the association is formed.

152 Procedure for removal of nominated person

(1) If an association considers a ground exists to remove a nominated person for the association, the association must give the nominated person a notice stating the following—

(a) the action (the ***proposed action***) the association proposes taking under this part;

(b) the grounds for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the grounds;

(d) an invitation to the nominated person to show, within a stated time of at least 14 days, why the proposed action should not be taken.

Not authorised—indicative only

Not authorised—indicative only

(2) If, after considering all written representations made within the stated time, the association still considers a ground to take the proposed action exists, the association may—

(a) if the proposed action was to remove the nominated person as a member only—remove the nominated person as a member; or

(b) if the proposed action was to remove the nominated person as an officer only—remove the nominated person as an officer; or

(c) if the proposed action was to remove the nominated person as both a member and an officer—remove the nominated person as both a member and an officer, or as an officer only.

(3) The association must notify the nominated person of the decision.

(4) The notice must be given within 14 days after the association makes its decision.

(5) If the association decides to remove the nominated person, the notice must state—

(a) the reasons for the decision; and

(b) the day, under subsection (6), on which the decision takes effect; and

(c) that the person may make a submission to the Minister against the decision; and

(d) the name and address of the Minister; and

(e) the way in which the submission may be made.

(6) The decision takes effect on the later of the following—

(a) the day the notice is given to the nominated person;

(b) the day of effect stated in the notice.

(7) However, if the nominated person is removed from office because of the conviction of the person for an indictable offence—

(a) the removal does not take effect until—

(i) the end of the time to appeal against the conviction; and

(ii) if an appeal is made against the conviction—the appeal is finally decided; and

(b) the removal has no effect if the conviction is quashed on appeal.

153 Submissions against removal

(1) A nominated person for an association (the ***removed person***) removed by the association under section 152 may make a submission against the removal to the Minister.

(2) The submission must—

(a) be in writing; and

(b) include an address in Australia to which notices for the removed person may be sent; and

(c) state fully the grounds for the submission and the facts relied on; and

(d) include a copy of the notice of removal given to the person.

(3) The submission must be given to the Minister—

(a) within 14 days of the notice of removal being given to the removed person; or

(b) if the Minister allows a later time for giving the submission—the later time.

(4) However, if the removed person resigns or purports to resign from the association as a member or officer after receipt of the notice of removal, the removed person may not make a submission under subsection (1).

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154 Dealing with submissions against removal

(1) If a submission is made by a removed person under section 153, the Minister must, as soon as practicable, consider the decision the subject of the submission (the ***removal decision***) and the submission.

(2) After reviewing the removal decision, the Minister must make a further decision (the ***review decision***) to—

(a) confirm the removal decision; or

(b) amend the removal decision; or

(c) substitute another decision for the removal decision.

(3) The Minister must, as soon as practicable, give a notice complying with the QCAT Act, section 157(2).

Note—

See chapter 15, part 4 for review of the decision by QCAT.

Part 11 Special provisions for campus associations

Division 1 Preliminary

154A Application of part

(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***.

154B Definitions for part

In this part—

campus association means a parents and citizens association formed for a campus of a regional State school.

head of campus, for a campus of a regional State school, means—

(a) if the principal is responsible for the day-to-day management of the campus—the principal; or

(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.

regional State school see section 154A(2).

Division 2 Formation and operation of campus associations

154C Formation of association for campus of regional State school

(1) A parents and citizens association may be formed for a campus of a regional State school in the way prescribed by regulation.

(2) The following persons are eligible to be members of a campus association formed for a campus of a regional State school—

(a) a parent of a child who attends classes at the campus;

(b) a staff member of the school who performs their day-to-day responsibilities at the campus;

(c) an adult, other than a person mentioned in paragraph (a) or (b), who is interested in the welfare of the campus.

(3) Both of the following persons are members of a campus association formed for a campus of a regional State school—

(a) the principal of the school;

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(b) if the principal is not the head of campus—the head of campus.

154D Formation of interim campus association

(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.

(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.

(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.

154E Objectives of campus association

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.

154F Functions of campus association

(1) A campus association for a campus of a regional State school has the following functions—

(a) fostering community interest in educational matters;

(b) trying to bring about closer cooperation between the following persons—

(i) the children attending the campus;

(ii) the parents of the children;

(iii) other members of the community;

(iv) staff members of the regional State school;

(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—

(i) issues relating to persons who receive educational instruction at the campus; or

(ii) the general operations and management of the campus;

(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;

(f) performing any other functions, not inconsistent with this Act, as the Minister decides.

(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—

(a) complying with departmental policies that apply to associations; or

(b) a matter relevant to the performance of its functions.

154G Dissolution of campus association

A campus association is dissolved—

(a) if the campus for which the association is formed is closed; or

(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

(c) if the number of members of the association is 2 or less; or

(d) in other circumstances prescribed by regulation.

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Division 3 Modified application of chapter

154H Application of pts 2–10 in relation to campus associations

(1) Parts 2 to 10, other than section 146, (the ***relevant provisions***) apply in relation to a campus association subject to the modifications provided for under this division.

(2) A campus association is an association for the purposes of the relevant provisions.

(3) Also, an interim campus association is an interim parents and citizens association for the purposes of the relevant provisions.

154I References to State school or State instructional institution

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.

154J References to principal

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—

(a) the principal of the regional State school that includes the campus for which the association is formed; and

(b) if the principal is not the head of campus—the head of campus.

154K References to relevant staff members for s 126

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.

154L Authority of campus association

(1) Subsection (2) applies in relation to a campus of a regional State school for which a campus association is formed.

(2) Without derogating from the authority of the head of campus in the person's capacity as the person 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.

Chapter 8 Enrolment at State schools

Part 1 Applications for enrolment

Division 1 Requirements for enrolment

155 Application

(1) An application for the enrolment of a person (the ***prospective student***) at a State school must—

(a) be made to the school's principal; and

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(b) be made in the approved form; and

(c) be accompanied by—

(i) satisfactory evidence that the applicant is eligible to apply for the enrolment; and

(ii) any other documents, identified in the form, the principal reasonably requires to decide the application.

(2) The application may only be made by—

(a) if the prospective student is a child—a parent of the child; or

(b) if the prospective student is an adult—the prospective student.

(3) Despite subsection (2)(a), if the prospective student is a child, the principal may deal with an application for enrolment at the school made by the child if the principal reasonably believes it is in the child's best interests for the child to make the application.

(4) An application for enrolment as a mature age student of a mature age State school must also comply with section 155B.

155A Eligibility to apply for enrolment—adults

(1) An adult, other than a student visa holder, is only eligible to apply for enrolment—

(a) at a mature age State school; or

(b) as a student in a program of distance education.

(2) Despite subsection (1), an adult may apply for enrolment at a State school if—

(a) the adult has previously been enrolled at a non-State school or State educational institution (the ***previous school or institution***) and on the day of enrolment at the previous school or institution was a child; and

(b) the adult's proposed first day of attendance at the State school is not more than 12 months after the day the adult last attended the previous school or institution.

155B Additional requirements for application for enrolment as mature age student

(1) An application for the enrolment of a person as a mature age student of a mature age State school must—

(a) include the applicant's consent for the school's principal to obtain the applicant's criminal history under chapter 8A; and

(b) be accompanied by the criminal history check fee prescribed by regulation.

(2) The applicant may give the principal notice of the withdrawal of the application at any time before it is decided.

(3) On receiving the application, the principal may ask the applicant, orally or in writing, for further information the principal reasonably needs to establish the applicant's identity.

(4) The applicant is taken to have withdrawn the application if—

(a) the principal gives the applicant a notice—

(i) asking the applicant to provide, within a reasonable stated time, stated information the principal reasonably needs to establish the applicant's identity; and

(ii) stating that, if the applicant does not comply with the request, the applicant's application will be taken to have been withdrawn; and

(b) the applicant does not comply with the request within the stated time; and

(c) the principal can not establish with certainty the applicant's identity; and

(d) the principal gives the applicant a notice stating that the applicant is taken to have withdrawn the application.

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Not authorised—indicative only

156 Enrolment

(1) Subject to subsections (1A), (1B), (2) and (3), the principal must enrol the prospective student at the school 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

(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).

(1A) The principal must not enrol a child in year 1 of schooling at the school unless satisfied the child—

(a) has undertaken a preparatory year at a State school or non-State school; or

(b) has undertaken education in another State or country that is equivalent to the preparatory year; or

(c) was registered, or provisionally registered, for home education in the year before the proposed year of the child's enrolment in year 1 of schooling at the school; or

(d) is otherwise ready to be enrolled in year 1 of schooling at the school, considering the child's attributes.

(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.

(2) If the principal reasonably believes the prospective student would, if enrolled at the school, pose an unacceptable risk to

the safety or wellbeing of members of the school community, the principal must refer the application to the chief executive to be dealt with under division 2.

(2AA) The referral must be made within the period prescribed by regulation.

(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.

(2A) If the prospective student applied for enrolment as a mature age student of a mature age State school, the school's principal must, as part of the principal's consideration of unacceptable risk under subsection (2), consider the following for each conviction or charge of the student for an offence mentioned in the written report about the student's criminal history obtained under chapter 8A—

(a) whether the offence is a serious offence;

(b) when the offence was committed or is alleged to have been committed;

(c) the nature of the offence and its relevance to the prospective student being a mature age student of the school;

(d) for a conviction—whether a penalty was imposed, and the nature of the penalty.

(3) If the school is a special school, the principal 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); or

(b) the prospective student is not a continuing special school student.

(4) In this section—

continuing special school student means a prospective student who is, at the time an application for enrolment at a

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special school is made for the student, enrolled at another special school.

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.

person with a disability see section 165.

Division 2 Applications relating to prospective students who are a risk to the safety or wellbeing of certain persons

157 Application of div 2

This division applies if a State school's principal, under section 156(2), refers an application for enrolment of a prospective student at the school to the chief executive.

158 Referral back to principal or show cause notice

(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.

(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.

(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***).

(4) The chief executive must make the referral, or give the show cause notice, within the period prescribed by regulation.

(5) If the application is referred back to the principal, section 156(2) does not apply in relation to the application.

(6) Also, the principal must, within the period prescribed by regulation, tell the applicant that the application has been referred back to the principal.

159 Requirements for show cause notice

(1) A show cause notice must state the following matters—

(a) that the chief executive proposes to decide to refuse enrolment of the prospective student at the school (the ***proposed action***);

(b) the grounds for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the grounds;

(d) an invitation to the applicant to show within a stated period (the ***show cause period***) why the proposed action should not be taken.

(2) The show cause period must be a period ending at least 14 days after the show cause notice is given to the applicant.

160 Representations about show cause notice

(1) The applicant may make written representations about the show cause notice to the chief executive in the show cause period.

(2) The chief executive must consider all written representations (the ***accepted representations***) made under subsection (1).

161 Ending show cause process without further action

(1) If, after considering any accepted representations for the show cause notice, the chief executive does not reasonably believe the prospective student would, if enrolled at the school, pose an unacceptable risk to the safety or wellbeing of members of the school community, the chief executive—

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(a) must not take further action about the show cause notice; and

(b) must, as soon as practicable, give notice to the applicant that no further action is to be taken about the show cause notice; and

(c) must, as soon as practicable, refer the application back to the principal to be dealt with under section 156.

(2) If the application is referred back to the principal under subsection (1)(c), section 156(2) does not apply to the application.

162 Refusal of enrolment

(1) This section applies if, after considering any accepted representations for the show cause notice, the chief executive reasonably believes the prospective student would, if enrolled at the school, pose an unacceptable risk to the safety or wellbeing of members of the school community.

(2) The chief executive must decide to refuse enrolment of the prospective student at the school.

(3) The chief executive must as soon as practicable—

(a) give an information notice about the decision to the applicant; and

(b) give the principal notice of the decision.

(4) If the chief executive decides to refuse enrolment of the prospective student at the school under this section, the decision is binding on the principal.

(5) Subsection (6) applies if the chief executive—

(a) has also given the prospective student a show cause notice under section 306 in relation to the student's attendance at the school; and

(b) decides to exclude the prospective student from the school under section 309.

(6) The chief executive is not required to comply with subsection (3), but must give the principal notice of the decision under section 309.

Note—

See also section 309(4) and (5).

163 Time limit on making another application for enrolment

If the applicant is given an information notice under section 162(3), a later application for enrolment of the prospective student at the school may not be made within 1 year after the giving of the information notice.

163A Continuing education of particular students pending decision on enrolment

(1) This section applies if the prospective student—

(a) is of compulsory school age; or

(b) is a young person in the compulsory participation phase.

(2) The chief executive must take reasonable steps to arrange for the prospective student's access to an educational program that allows the student to continue the student's education during the period—

(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—

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(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.

Division 3 Particular enrolments at special schools

164 Application of div 3

This division applies if a special school's principal, under section 156(3), refers an application for enrolment of a prospective student at the school to the chief executive.

165 Definition for div 3

(1) For this division, a ***person with a disability*** is a person who is decided, under a policy approved under subsection (2), to be unlikely to attain the levels of development of which the person is capable unless the person receives special education.

(2) The Minister must approve a policy about the criteria to be considered in deciding whether a person is a person with a disability.

(3) The chief executive must keep a copy of a policy approved under subsection (2) available for inspection and permit a person—

(a) to inspect the policy without fee; and

(b) to take extracts from the policy without fee.

(4) For subsection (3)—

(a) a copy of the policy—

(i) must be kept at the head office of the department; and

(ii) may be kept at any other place the chief executive considers appropriate; and

(b) the copy kept under paragraph (a) must be available for inspection during office hours on business days for the office or place.

(5) Also, the chief executive must supply a copy of a policy approved under subsection (2), or a part of the policy, to a person on request, without fee.

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

166 Requirements for enrolment satisfied

(1) Subsection (2) applies if the chief executive is satisfied—

(a) the prospective student is a person with a disability; and

(b) the special school is able to cater for the educational needs of the prospective student.

(2) The chief executive must, as soon as practicable, refer the application back to the principal to be dealt with under section 156.

(3) If the application is referred back to the principal under subsection (2), section 156(3) does not apply to the application.

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167 Requirements for enrolment not satisfied

(1) This section applies if the chief executive is not satisfied—

(a) the prospective student is a person with a disability; and

(b) the special school is able to cater for the educational needs of the prospective student.

(2) The chief executive must decide to refuse enrolment of the prospective student at the school.

(3) The chief executive must, as soon as practicable—

(a) give an information notice about the decision to the applicant; and

(b) give the principal notice of the decision.

(4) If the chief executive decides to refuse enrolment of the prospective student at the school under this section, the decision is binding on the principal.

Part 2 Enrolment agreements

168 Requirements relating to enrolment agreements

(1) A State school's principal must ensure an up-to-date enrolment agreement applies to the school.

(2) The principal must, before enrolling a prospective student at the school, give a copy of the enrolment agreement to—

(a) if the prospective student is a child—a parent of the prospective student; or

(b) if the prospective student is an adult—the prospective student.

(3) Also, the principal must try to—

(a) have a person who receives a copy of the enrolment agreement under subsection (2) sign the enrolment agreement and return it to the principal; or

(b) obtain a written acknowledgement by a person who receives a copy of the enrolment agreement under subsection (2) that the person received a copy of the enrolment agreement.

(4) Subsection (2)(a) does not apply if the principal is satisfied it would be inappropriate in the circumstances to give a copy of the enrolment agreement to a parent of the prospective student.

Example—

It may be inappropriate to give a copy of the enrolment agreement to a parent of the prospective student if the prospective student is living independently of the student's parents.

(5) If subsection (4) applies, the principal must, before enrolling the prospective student at the school, give a copy of the enrolment agreement to the prospective student.

(6) In this section—

enrolment agreement means a document that states the respective rights and obligations, about the education of persons at a State school, of—

(a) persons enrolled at the school; and

(b) the parents of children enrolled at the school; and

(c) the staff of the school.

Part 3 Enrolment management plans

169 Definitions for pt 3

In this part—

catchment area, for a State school, means the geographical area decided by the chief executive from which the school is to have its principal intake of students.

effective enrolment management plan, for a State school, means an enrolment management plan that has effect for the school under section 170.

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enrolment management plan, for a State school, means a document stating—

(a) the school's catchment area; and

(b) the school's enrolment capacity for persons whose principal place of residence is outside the catchment area; and

(c) the requirements for enrolment at the school to be satisfied by a person whose principal place of residence is outside the catchment area.

170 Preparation of enrolment management plan

(1) The chief executive may prepare an enrolment management plan for a State school.

(2) As soon as practicable after preparing an enrolment management plan for a State school, the chief executive must publish a notice in the gazette stating that—

(a) the enrolment management plan has been prepared; and

(b) a copy of the enrolment management plan is available for public inspection, without charge—

(i) during normal business hours at the department's head office; and

(ii) on the department's website.

(3) An enrolment management plan, prepared under subsection (1), has effect on and from—

(a) the day a notice about the enrolment management plan is published under subsection (2); or

(b) a later day stated in the notice.

171 Applicant for enrolment—residing in catchment area

(1) This section applies if—

(a) a State school's principal receives an application, under section 155, for the enrolment of a person at the school; and

(b) there is an effective enrolment management plan for the school; and

(c) the person's principal place of residence is in the school's catchment area stated in the effective enrolment management plan.

(2) Subject to this Act, the person is entitled to be enrolled at the school.

172 Applicant for enrolment—residing outside catchment area

(1) This section applies if—

(a) a State school's principal receives an application, under section 155, for the enrolment of a person at the school; and

(b) there is an effective enrolment management plan for the school; and

(c) the person's principal place of residence is outside the school's catchment area stated in the effective enrolment management plan; and

(d) the school's enrolment capacity for persons whose principal place of residence is outside the catchment area, stated in the effective enrolment management plan, is not satisfied.

(2) Subject to this Act, the person is entitled to be enrolled at the school if the person satisfies the requirements for enrolment stated in the effective enrolment management plan.

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Part 4 Enrolment eligibility plans

173 Definitions for pt 4

In this part—

effective enrolment eligibility plan, for a State school, means an enrolment eligibility plan that has effect for the school under section 174.

enrolment eligibility plan, for a State school, means a document stating—

(a) the school's enrolment capacity; and

(b) the requirements for enrolment at the school.

174 Preparation of enrolment eligibility plan

(1) The chief executive may prepare an enrolment eligibility plan for a State school.

(2) As soon as practicable after preparing an enrolment eligibility plan for a State school, the chief executive must publish a notice in the gazette stating that—

(a) the enrolment eligibility plan has been prepared; and

(b) a copy of the enrolment eligibility plan is available for public inspection, without charge—

(i) during normal business hours at the department's head office; and

(ii) on the department's website.

(3) An enrolment eligibility plan, prepared under subsection (1), has effect on and from—

(a) the day a notice about the enrolment eligibility plan is published under subsection (2); or

(b) a later day stated in the notice.

175 Application for enrolment

(1) This section applies if—

(a) a State school's principal receives an application, under section 155, for the enrolment of a person at the school; and

(b) there is an effective enrolment eligibility plan for the school; and

(c) the school's enrolment capacity, stated in the effective enrolment eligibility plan for the school, is not satisfied.

(2) Subject to this Act, the person is entitled to be enrolled at the school if the person satisfies the requirements for enrolment stated in the effective enrolment eligibility plan.

Chapter 8A Criminal histories of mature age students

Part 1 Preliminary

175A Definitions for ch 8A

In this chapter—

criminal history, of a relevant mature age student, means both of the following—

(a) every conviction of the student for an offence, in Queensland or elsewhere, whether before or after the commencement;

(b) every charge for an offence made against the student, in Queensland or elsewhere, whether before or after the commencement.

relevant mature age student, of a mature age State school, means—

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(a) a person who has applied for enrolment as a mature age student of the school; or

(b) a mature age student of the school.

175B Application of ch 8A

This chapter applies to a relevant mature age student despite the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

Part 2 Information may be given to police commissioner

175C Mature age State school's principal may give information to police commissioner

(1) A mature age State school's principal may, for this chapter, give the police commissioner—

(a) information about whether a person is a relevant mature age student of the mature age State school; and

(b) the name of the person and other identifying information about the person, including the person's date and place of birth and any alias.

(2) Information given to the police commissioner under subsection (1) must only be used for this chapter.

Part 3 Requests for criminal histories

Note—

Section 175H limits the use that can be made of a criminal history report and information contained in the report.

175D Mature age State school's principal must make request about prospective mature age student

(1) This section applies if—

(a) a mature age State school's principal receives an application by a person for enrolment as a mature age student of the school; and

(b) the application has not been withdrawn.

(2) The principal must, before deciding the application, ask the police commissioner for a written report about the applicant's criminal history.

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

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

175F Request for other information about criminal history

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

(a) a brief description of the circumstances of a conviction or charge for an offence mentioned in the report;

(b) information about the outcome of a charge for an offence mentioned in the report.

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Not authorised—indicative only

Part 4 Criminal histories

175G Requirement for police commissioner to give information about criminal history

(1) The police commissioner must comply with a request made under part 3.

(2) However, subsection (1) applies only in relation to information in the police commissioner's possession or to which the commissioner has access.

(3) To remove any doubt, it is declared that, despite the *Youth Justice Act 1992*, part 9, the police commissioner may disclose information to which that part applies to a person when complying with a request made by the person under part 3.

175H Use of criminal history

(1) A mature age State school's principal must not use information obtained under section 175G other than for the following—

(a) chapter 8, part 1, division 1;

(b) this chapter;

(c) chapter 12, part 3, division 2 or 3.

(2) The chief executive must not use information obtained under section 175G other than for the following—

(a) chapter 8, part 1, division 2;

(b) chapter 12, part 3.

175I Destruction of criminal history

A mature age State school's principal must ensure that information obtained by the principal under section 175G is destroyed as soon as practicable after it is no longer needed for the purpose for which it may be used under section 175H.

Part 5 General provisions

175J Notice of change in criminal history

(1) This section applies if the police commissioner reasonably suspects a person who is charged with an offence is a relevant mature age student of a mature age State school.

(2) The police commissioner may give the school's principal notice of the charge.

(3) The notice must state the following—

(a) the person's name and address;

(b) the person's date of birth;

(c) the offence the person is charged with;

(d) particulars of the alleged offence;

(e) the date of the charge.

(4) If the principal receives a notice mentioned in subsection (3) about a person and the person is a mature age student of the school, the principal may write to the person to tell the person about the person's obligations under section 175K.

175K Disclosure of change in criminal history

(1) If there is a change in the criminal history of a relevant mature age student of a mature age State school, the student must give the school's principal a criminal history change notice before the student next attends the school or otherwise participates in the school's educational program.

Maximum penalty—20 penalty units.

(2) For a relevant mature age student who does not have a criminal history, there is taken to be a change in the student's criminal history if the student acquires a criminal history.

(3) In this section—

Not authorised—indicative only

Not authorised—indicative only

criminal history change notice, for a relevant mature age student, means a notice, in the approved form, that includes, for a conviction or charge for an offence in the student's criminal history—

(a) the existence of the conviction or charge; and

(b) when the offence was committed or alleged to have been committed; and

(c) enough details to identify the offence or alleged offence; and

(d) for a conviction—whether or not a conviction was recorded, and the sentence imposed on the student.

175L False or misleading information or documents

(1) A relevant mature age student of a mature age State school must not give information to the school's principal under this part that the student knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

(2) A relevant mature age student of a mature age State school must not give a document to the school's principal under this part that contains information the student knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

(3) Subsection (2) does not apply to a relevant mature age student if the student, when giving the document to the principal—

(a) tells the principal, to the best of the student's ability, how it is false or misleading; and

(b) gives the correct information to the principal if the student has, or can reasonably obtain, the correct information.

Chapter 8B Enrolment at non-State schools

175M Enrolment—year 1

The principal of a non-State school must not enrol a child in year 1 of schooling at the school unless the principal is satisfied the child—

(a) has undertaken a preparatory year at a State school or non-State school; or

(b) has undertaken education in another State or country that is equivalent to the preparatory year; or

(c) was registered, or provisionally registered, for home education in the year before the proposed year of the prospective student's enrolment in year 1 of schooling at the school; or

(d) is otherwise ready to be enrolled in year 1 of schooling at the school, considering the child's attributes.

Chapter 9 Compulsory schooling

Part 1 Compulsory schooling requirement

Division 1 Parents' obligations

176 Obligation of each parent

(1) Each parent of a child who is of compulsory school age must—

Not authorised—indicative only

Not authorised—indicative only

(a) ensure the child is enrolled at a State school or non-State school; and

(b) ensure the child attends the State school or non-State school, on every school day, for the educational program in which the child is enrolled;

unless the parent has a reasonable excuse.

Maximum penalty—

(a) for a first offence—6 penalty units; or

(b) for a second or subsequent offence, whether or not relating to the same child of the parent—12 penalty units.

(2) Without limiting subsection (1), it is a reasonable excuse for a parent (the ***relevant parent***) that—

(a) the child lives with another parent and the relevant parent believes, on reasonable grounds, that the other parent is complying with subsection (1); or

(b) in all the circumstances, the relevant parent is not reasonably able to control the child's behaviour to the extent necessary to comply with subsection (1).

(3) Subsection (1) applies subject to parts 2 to 4.

177 What is attendance

(1) A child attends a State school or non-State school only if the child complies with the school's requirements about physically attending, at particular times, its premises or another place.

(2) However, despite subsection (1)—

(a) a child enrolled in a program of distance education is taken to attend the school of distance education offering the program by completing and returning the assigned work for the program; and

(b) a child enrolled in an external program is taken to attend the State school or non-State school offering the

program by complying with its requirements about communicating with or contacting the school for the purpose of participating in the program.

178 Notice to, and meeting with, parent

(1) This section applies if an authorised officer reasonably suspects—

(a) a child who is of compulsory school age—

(i) is not enrolled at a State school or non-State school; or

(ii) is not attending the State school or non-State school at which the child is enrolled, on every school day, for the educational program in which the child is enrolled; and

(b) parts 2 to 4 do not apply to the child.

(2) The officer may give a parent of the child a notice in the approved form about the parent's obligation under section 176(1).

(3) The officer may also meet with the parent to discuss the obligation.

(4) If, despite the officer taking reasonable steps to meet with the parent under subsection (3), no meeting is held, the officer may give the parent a warning notice in the approved form.

(5) For the *Police Powers and Responsibilities Act 2000*, section 16, an authorised officer acting under this section is a public official performing a function authorised by this Act.

(6) In this section—

authorised officer means the chief executive or an officer of the department authorised by the chief executive for this section.

Not authorised—indicative only

Not authorised—indicative only

179 Limits on proceedings against a parent

(1) Proceedings for an offence against section 176(1) may be brought against a parent—

(a) by the chief executive or with the chief executive's consent; and

(b) only if the time when the parent is alleged to have committed the offence is after—

(i) the parent has been given a notice under section 178(2); and

(ii) at least 1 meeting has been held with the parent under section 178(3) or the parent has been given a warning notice under section 178(4).

Note—

Under section 432, the chief executive may delegate the chief executive's functions under this section to an appropriately qualified officer of the department.

(2) The chief executive (child safety) is not liable to be prosecuted for an offence against section 176(1).

Division 2 Chief executive may obtain information from non-State schools

180 Notice to principal or governing body of non-State school

(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—

(a) the enrolment or attendance at the school of a child who is of compulsory school age; or

(b) decisions made under section 189.

(2) Without limiting subsection (1), the chief executive may ask for information that the chief executive believes may—

(a) help in the investigation of an alleged contravention of section 176(1); or

(b) help the chief executive or an authorised person acting under section 178; or

(c) otherwise help the chief executive or an authorised person to decide whether or not a parent is contravening section 176(1).

(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.

(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.

181 Protection from liability

(1) This section applies to a principal of a non-State school for complying with a request of the chief executive under section 180.

(2) The principal is not civilly liable for an act done, or omission made, honestly and without negligence for complying with the request.

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

Part 2 Flexible arrangements

182 Flexible arrangements—non-State school

(1) The authorised entity for a non-State school may approve arrangements for a student enrolled at the school that are to apply to the student instead of participation in the school's educational programs in the usual way.

(2) The authorised entity may approve the arrangements only if—

(a) a teacher has prepared written assessments of—

Not authorised—indicative only

Not authorised—indicative only

(i) the student's educational and other needs; and

(ii) the learning outcomes that the arrangements are intended to achieve; and

(iii) the suitability of each provider for the arrangements; and

(b) the authorised entity has considered—

(i) the written assessments prepared under paragraph (a); and

(ii) how, and by whom, the student's participation in the arrangements is to be monitored; and

(iii) how, and by whom, each provider's involvement in the arrangements is to be monitored and its effectiveness evaluated; and

(c) the authorised entity is satisfied the arrangements are appropriate, having regard to—

(i) the student's individual needs and circumstances; and

(ii) what the authorised entity considers is most likely to achieve the best learning outcomes for the student; and

(iii) the desirability, unless it would be inappropriate in all the circumstances, of the arrangements requiring the student's participation at a level that is equivalent to full-time participation in the school's educational programs in the usual way; and

(iv) any other matter prescribed under a regulation.

(3) However, the authorised entity must not approve the arrangements unless—

(a) if the student is of compulsory school age—

(i) a parent of the student has given written agreement to the arrangements; and

(ii) the authorised entity has discussed the arrangements with the student to the extent the authorised entity considers appropriate, having regard to the student's age and other relevant circumstances; or

(b) if the student is in the compulsory participation phase—

(i) the student gives written agreement to the arrangements; and

(ii) the authorised entity has discussed the arrangements with the student's parents to the extent the authorised entity considers is practicable and appropriate in the circumstances.

(4) The non-State school's governing body must keep, for at least 5 years after the arrangements stop applying to the student—

(a) the written assessments prepared under subsection (2)(a); and

(b) a record of the authorised entity's consideration of the matters stated in subsection (2)(b); and

(c) the written agreement obtained under subsection (3).

(5) Subsection (3)(a)(i) does not apply if the authorised entity is satisfied it would be inappropriate in the circumstances to require the written agreement of a parent.

Example—

It may be inappropriate to require a parent's written agreement if the student is living independently of the student's parents.

(6) In this section—

authorised entity, for a non-State school, means—

(a) the school's governing body; or

(b) a staff member of the school given written authorisation by the governing body for this section.

provider, in relation to arrangements for a student, means an entity directly involved in providing a program to the student under the arrangements.

Not authorised—indicative only

Not authorised—indicative only

student means a student who is of compulsory school age or in the compulsory participation phase.

183 Flexible arrangements—State school

(1) The chief executive may approve arrangements for a student enrolled at a State school that are to apply to the student instead of participation in the school's educational programs in the usual way.

(2) Section 182(2), (3), (5) and (6), except the definition *authorised entity*, apply to the chief executive and the student as if—

(a) a reference to the authorised entity were a reference to the chief executive; and

(b) a reference to the non-State school were a reference to the State school.

Part 3 Exemption from compliance with compulsory schooling requirement

Division 1 Preliminary

184 Definitions for pt 3

In this part—

exemption means—

(a) for an exemption for which the chief executive is the relevant decision-maker—an exemption from compliance with section 176(1); or

(b) for an exemption for which a non-State school's principal is the relevant decision-maker—an exemption from compliance with section 176(1)(b).

relevant decision-maker see section 186(1).

Division 2 Power to grant exemption

185 Chief executive may grant exemption

(1) The chief executive may grant an exemption for a child if the chief executive is reasonably satisfied—

(a) the child can not attend a State school or non-State school; or

(b) it would be unreasonable in all the circumstances to require the child to attend a State school or non-State school.

(2) The chief executive may grant the exemption for a stated or indefinite period.

(3) Despite subsection (1), the chief executive may not grant an exemption from compliance with section 176(1)(b) for a child under this section if—

(a) the child is enrolled at a non-State school; and

(b) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under this section or section 185A for the child to be more than 110 school days in a year.

185A Non-State school's principal may grant exemption from requirement to attend school

A non-State school's principal may grant an exemption from compliance with section 176(1)(b) for a child enrolled at the school if—

(a) the principal is reasonably satisfied—

(i) the child can not attend the school; or

(ii) it would be unreasonable in all the circumstances to require the child to attend the school; and

Not authorised—indicative only

Not authorised—indicative only

(b) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under section 185 or this section for the child to be more than 110 school days in a year.

Division 3 Application process

186 Application for exemption

(1) A parent of a child may apply to the following person (the ***relevant decision-maker***) for an exemption for the child—

(a) for an application for an exemption under section 185—the chief executive;

(b) for an application for an exemption under section 185A—the principal of the non-State school at which the child is enrolled.

(2) The applicant must provide any other relevant information reasonably required by the relevant decision-maker to decide the application.

187 Lapsing of application

(1) The relevant decision-maker may make a requirement under section 186(2), for information to decide the application, by giving the applicant a notice stating—

(a) the required information; and

(b) the time by which the information must be given to the relevant decision-maker; and

(c) that, if the information is not given to the relevant decision-maker by the stated time, the application will lapse.

(2) The time stated must be reasonable and, in any case, at least 14 days after the requirement is made.

(3) The relevant decision-maker may withdraw the requirement, or part of the requirement, at any time.

(4) Before the stated time ends, the relevant decision-maker may give the applicant a further notice extending the stated time if the relevant decision-maker is satisfied it would be reasonable in all the circumstances to give the extension.

(5) If the applicant does not comply with the requirement within the stated time, or any extension, the application lapses.

188 Temporary exemption until application is decided

(1) For an application for an exemption under section 185, section 176(1) does not apply to a parent of the child until—

(a) 14 days after the chief executive gives notice to the applicant under section 189; or

(b) the application lapses.

(2) For an application for an exemption under section 185A, section 176(1)(b) does not apply to a parent of the child until—

(a) 14 days after the non-State school's principal gives notice to the applicant under section 189; or

(b) the application lapses.

189 Decision

(1) The relevant decision-maker must consider the application and either grant, or refuse to grant, the exemption.

(2) If the relevant decision-maker decides to grant the exemption, the relevant decision-maker must as soon as practicable grant the exemption to the applicant.

(3) If the relevant decision-maker decides to refuse to grant the exemption, the relevant decision-maker must as soon as practicable give the applicant an information notice about the decision.

Not authorised—indicative only

Not authorised—indicative only

190 Contents of exemption

(1) This section applies if the relevant decision-maker decides to grant an exemption for a child.

(2) The exemption must state each of the following—

(a) the day the exemption is granted;

(b) the name of the child to whom the exemption relates;

(c) if the exemption does not apply for an indefinite period—the day of its expiry;

(d) any conditions on which the exemption is granted;

(e) whether the relevant decision-maker has granted any other exemptions for the child in the year in which the exemption is granted, and, if so, the period of each exemption.

191 Imposition of conditions

(1) The relevant decision-maker may, in granting the exemption, decide to impose conditions on the exemption that are relevant and reasonable.

(2) If the relevant decision-maker decides to grant an exemption on conditions, the relevant decision-maker must as soon as practicable give the applicant an information notice about the decision.

192 Lesser period of exemption than that applied for

(1) The relevant decision-maker may, in granting the application, decide to grant the exemption for a lesser period than that applied for by the applicant for the exemption.

(2) If the relevant decision-maker decides to grant an exemption for a lesser period than that applied for by the applicant for the exemption, the relevant decision-maker must as soon as practicable give the applicant an information notice about the decision.

Division 4 Cancellation of exemption

193 Grounds for cancellation

Each of the following is a ground for cancelling an exemption for a child—

(a) the ground for the grant of the exemption no longer applies to the child; or

(b) a condition of the exemption has been contravened.

194 Show cause notice

(1) If the relevant decision-maker reasonably believes a ground exists to cancel the exemption for a child, the relevant decision-maker must give a parent of the child a notice under this section (a ***show cause notice***).

(2) The show cause notice must state the following—

(a) the action (the ***proposed action***) the relevant decision-maker proposes taking under this division;

(b) the ground for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the ground;

(d) an invitation to the parent to show within a stated period (the ***show cause period***) why the proposed action should not be taken.

(3) The show cause period must be a period ending at least 30 days after the show cause notice is given to the parent.

195 Representations about show cause notice

(1) The parent may make written representations about the show cause notice to the relevant decision-maker in the show cause period.

Not authorised—indicative only

Not authorised—indicative only

(2) The relevant decision-maker must consider all written representations (the ***accepted representations***) made under subsection (1).

196 Ending show cause process without further action

If, after considering any accepted representations for the show cause notice, the relevant decision-maker no longer believes the ground to cancel the exemption exists, the relevant decision-maker—

(a) must not take further action about the show cause notice; and

(b) must, as soon as practicable, give notice to the parent that no further action will be taken about the show cause notice.

197 Cancellation

(1) This section applies if, after considering any accepted representations for the show cause notice, the relevant decision-maker—

(a) still believes the ground to cancel the exemption exists; and

(b) believes cancellation of the exemption is warranted.

(2) This section also applies if there are no accepted representations for the show cause notice.

(3) The relevant decision-maker may decide to cancel the exemption.

(4) The relevant decision-maker must, as soon as practicable, give an information notice about the decision to the parent.

(5) The decision does not take effect until—

(a) the last day to apply for a review of the decision; or

(b) if the decision is reviewed—

(i) the last day to apply under chapter 15, part 2 for a review of the decision; or

(ii) if a review of the decision is applied for—the day the review is decided.

(6) In this section—

review, of a decision, means review of the decision under chapter 15, part 1.

review decision see section 392(6).

Division 5 Miscellaneous

197A Record of decisions about exemptions—non-State schools

(1) The governing body of a non-State school must keep a record of each decision made by the school's principal under section 189 as required under subsection (2).

Maximum penalty—20 penalty units.

(2) The record must—

(a) be kept for at least 5 years from the day the decision was made; and

(b) for a decision to grant an application for an exemption—include the matters mentioned in section 190(2).

Part 4 Other circumstances in which compulsory schooling requirement does not apply

198 Activities under Commonwealth law

Section 176(1) does not apply to the extent it is inconsistent with a law of the Commonwealth under which a person who is

Not authorised—indicative only

Not authorised—indicative only

of compulsory school age may carry on an activity other than attending a State school or non-State school.

199 Home education

Section 176(1) does not apply to a child who is provisionally registered, or registered, for home education under part 5.

200 Child's exclusion or suspension

(1) Section 176(1) does not apply—

(a) to a child who is excluded from all State schools; or

(b) for a child who is excluded from a particular State school, during the time reasonably required, after the exclusion, for a parent of the child—

(i) to arrange the child's enrolment with another State school or a non-State school; or

(ii) to make an application, under part 5, for the registration, of the child for home education; or

(c) for a child who is excluded from particular State schools, during the time reasonably required, after the exclusion, for a parent of the child—

(i) to arrange the child's enrolment with a State school not affected by the exclusion or a non-State school; or

(ii) to make an application, under part 5, for the registration, of the child for home education.

(2) Section 176(1)(b) does not apply—

(a) for a child who is suspended from a State school at which the child is enrolled—while the child is suspended and the child's access to an educational program under section 284, 294 or 301 has not been arranged; or

(b) for a child who is suspended from a non-State school at which the child is enrolled—while the child is suspended.

(3) In this section—

excluded means excluded under chapter 12, part 3.

suspended means suspended under chapter 12, part 3.

201 Child's illness

(1) Section 176(1)(b) does not apply to a child for a period of not more than 10 consecutive school days during which the child is too ill to attend the State school or non-State school at which the child is enrolled.

Note—

If a child is prevented by illness from attending school for a longer period, an exemption from compliance with section 176(1) may be granted under part 3.

(2) A regulation may provide for the obligations of the parents of a child mentioned in subsection (1).

202 Infectious or contagious disease or condition

Section 176(1)(b) does not apply to a child who is prevented from attending school because the child is, or is a member of a class of persons that is, subject to a direction given, or declaration, order or requirement made, under an Act or other law about an infectious or contagious disease or condition.

203 Application for enrolment pending

Section 176(1) does not apply to a child—

(a) if an application has been made, under section 155, for the enrolment of the child at a State school; and

(b) the applicant has not received notice of the decision on the application.

Not authorised—indicative only

Not authorised—indicative only

204 Apprentice or trainee under the Further Education and Training Act 2014

Section 176(1) does not apply to a child who is, or for whom an arrangement has been made for the child to become, an apprentice or trainee under the *Further Education and Training Act 2014*.

Part 5 Home education

Division 1 Preliminary

205 Definitions for pt 5

In this part—

home education, for a child, means the education of the child provided by 1 or both of the child's parents, or a registered teacher, primarily at the child's usual place of residence.

provisional registration, of a child for home education, means the provisional registration of the child for home education under section 212.

registration, of a child for home education, means the registration of the child for home education under section 213.

standard conditions of registration see section 217(1).

206 Who is eligible for registration for home education

(1) A child is eligible for registration for home education—

(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 registration is made; and

(b) until 31 December in the year the child turns 18.

(2) However, a child is not eligible for registration for home education if, at the time the application for the child's registration is made or at any time after the application is

made, the child is enrolled at a State school or non-State school.

Division 3 Applications for registration

208 Procedural requirements for application

(1) An application for registration of a child for home education must be—

(a) made to the chief executive; and

(b) in the approved form; and

(c) accompanied by—

(i) evidence, satisfactory to the chief executive, that—

(A) the child is eligible for registration for home education; and

(B) the applicant is a parent of the child; and

(ii) a summary of the educational program to be used for the home education; and

(iii) any other documents, identified in the approved form, the chief executive reasonably requires to decide the application.

(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—

(a) in the approved form; and

(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.

(3) An application under this section may relate to only 1 child.

Not authorised—indicative only

Not authorised—indicative only

209 Withdrawal of application

(1) A person may, by notice given to the chief executive, withdraw the person's application for the registration of a child for home education.

(2) If, under subsection (1), a person withdraws the person's application for the registration of a child for home education, the child's provisional registration for home education under section 212 is cancelled.

211 Chief executive may require further information or documents

(1) If the chief executive considers further information or a document is required for deciding an application for the registration of a child for home education, the chief executive may, by notice given to the applicant, require the applicant to give the information or document to the chief executive within a reasonable period, of at least 14 days, stated in the notice.

(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 ***revised compliance day***).

(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.

(4) If the applicant does not comply with a requirement under subsection (1) within the period stated in the notice, or by the revised compliance day, the chief executive may decide to refuse to grant the application.

212 Child taken to be provisionally registered while application decided

(1) This section applies if an application is made under section 208 for the registration of a child for home education.

(2) The child is provisionally registered, under this section, for home education until—

(a) if the chief executive decides to grant the application—the day the decision is made; or

(b) if the chief executive decides to refuse to grant the application—

(i) the last day to apply under chapter 15, part 1 for a review of the decision; or

(ii) if the applicant applies under chapter 15, part 1 for a review of the decision and the chief executive confirms the decision on the review—the last day to apply under chapter 15, part 2 for a review of the review decision; or

(iii) if the applicant applies under chapter 15, part 2 for a review of the review decision about the decision—the day the review decision is confirmed on the review or the application for review is withdrawn.

(3) The chief executive must, as soon as practicable after receiving the application, notify the applicant that the child is provisionally registered, under this section, for home education.

213 Decision

(1) The chief executive must consider an application for the registration of a child for home education and decide whether the chief executive is satisfied the standard conditions of registration will be complied with.

(2) If the chief executive is satisfied the standard conditions of registration will be complied with, the chief executive must decide to register the child for home education.

214 Steps to be taken after application decided

(1) If the chief executive decides to grant an application for the registration of a child for home education, the chief executive must as soon as practicable give the applicant a notice stating the following information—

Not authorised—indicative only

Not authorised—indicative only

(a) the child's name and date of birth;

(b) the name of each applicant;

(c) the address of the child's usual place of residence;

(d) that the child is registered for home education;

(e) if, under section 218, the chief executive decides to impose conditions on the registration—the conditions.

(2) If the chief executive decides to refuse to grant an application for the registration of a child for home education, the chief executive must as soon as practicable give the applicant an information notice about the decision.

215 Failure to decide application

(1) Subject to subsection (3), if the chief executive fails to decide an application for the registration of a child for home education within 45 days after its receipt, the failure is taken to be a decision by the chief executive to refuse to grant the application.

(2) Subsection (3) applies if the chief executive has, under section 211(1), required an applicant for the registration of a child for home education to give the chief executive further information or a document.

(3) The chief executive is taken to have decided to refuse to grant the application if the chief executive fails to decide the application within 45 days after the chief executive receives the further information or document.

(4) If the chief executive is taken to have decided to refuse to grant an application under this section, the applicant is entitled to be given an information notice by the chief executive about the decision.

Division 4 Conditions of registration

217 Standard conditions

(1) The registration of a child for home education is subject to the following conditions (the ***standard conditions of registration***)—

(a) the child's parents must ensure the child receives a high-quality education;

(b) the educational program used for the child's home education must—

(i) be suitable for the child having regard to the child's age, ability, aptitude and development; and

(ii) be consistent with an approved education and training program; and

(iii) provide the child with a comprehensive course of study in a diverse range of subjects or learning areas; and

(iv) include subjects or learning areas that are the study of English and mathematics;

(c) a parent of the child must give the chief executive a written report—

(i) for the period the child is registered for home education; and

(ii) in relation to each subject or learning area that is part of the educational program used for the child's home education;

(d) a parent of the child must notify the chief executive of any change in the address of the child's usual place of residence within 28 days after the change happens.

(2) A report mentioned in subsection (1)(c) must—

(a) be given to the chief executive at least 2 months, but not more than 3 months, before each anniversary of the registration; and

Not authorised—indicative only

Not authorised—indicative only

(b) be in the approved form; and

(c) be accompanied by evidence satisfactory to the chief executive that demonstrates the educational progress of the child.

(3) In this section—

approved education and training program means—

(a) the national school curriculum (known as the Australian Curriculum)—

(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

(ii) published on the authority's website; or

(b) a senior subject syllabus for a senior subject; or

(c) a vocational education and training course at level 1 or above under the AQF; or

(d) a combination of the curriculum, a syllabus or a course mentioned in paragraph (a), (b) or (c).

senior subject see the E(QCAA) Act, schedule 1.

senior subject syllabus, for a senior subject, means the syllabus for the subject developed by the QCAA and published on its website.

syllabus see the E(QCAA) Act, schedule 1.

218 Imposition of conditions

(1) The chief executive may, in granting an application for the registration of a child for home education, decide to impose conditions on the registration that are relevant and reasonable.

(2) If the chief executive decides to impose conditions on the registration, the chief executive must as soon as practicable give the applicant an information notice about the decision.

219 Changing conditions

(1) The chief executive may change the conditions of the registration of a child for home education imposed by the chief executive if there is a reasonable basis to make the change.

(2) Before deciding to change the conditions, the chief executive must—

(a) give notice to a parent of the child stating—

(i) the particulars of the proposed change; and

(ii) that the parent may make written submissions to the chief executive about the proposed change within a reasonable period of at least 21 days stated in the notice; and

(b) have regard to written submissions made to the chief executive by the parent within the stated period.

(3) If the chief executive decides to change the conditions—

(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

(b) the change takes effect on the day the information notice is given to the parent.

(4) The power of the chief executive under subsection (1) includes the power to add conditions to the registration of a child for home education that is not subject to conditions imposed by the chief executive.

Division 5 Cancellation of registration

221 Grounds for cancellation

Each of the following is a ground for cancelling the registration of a child for home education—

(a) a parent of the child has contravened a condition of the registration;

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(b) the chief executive is not reasonably satisfied about the educational progress being made by the child;

(c) the child was registered because of a materially false or misleading representation or declaration.

222 Show cause notice

(1) If the chief executive reasonably believes a ground exists to cancel the registration of a child for home education, the chief executive must give a parent of the child a notice under this section (a ***show cause notice***).

(2) The show cause notice must state the following—

(a) the action (the ***proposed action***) the chief executive proposes taking under this division;

(b) the ground for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the ground;

(d) an invitation to the parent to show within a stated period (the ***show cause period***) why the proposed action should not be taken.

(3) The show cause period must be a period ending at least 30 days after the show cause notice is given to the parent.

223 Representations about show cause notice

(1) The parent may make written representations about the show cause notice to the chief executive in the show cause period.

(2) The chief executive must consider all written representations (the ***accepted representations***) made under subsection (1).

224 Ending show cause process without further action

If, after considering any accepted representations for the show cause notice, the chief executive does not believe the ground exists to cancel the registration, the chief executive—

(a) must not take further action about the show cause notice; and

(b) must, as soon as practicable, notify the parent that no further action will be taken about the show cause notice.

225 Cancellation

(1) This section applies if, after considering any accepted representations for the show cause notice, the chief executive—

(a) still believes the ground exists to cancel the registration; and

(b) believes cancellation of the registration is warranted.

(2) This section also applies if there are no accepted representations for the show cause notice.

(3) The chief executive may decide to cancel the registration.

(4) The chief executive must as soon as practicable give an information notice about the decision to the parent.

(5) The decision to cancel the registration (the ***original decision***) takes effect on the day that is—

(a) the last day to apply under chapter 15, part 1 for a review of the original decision; or

(b) if the applicant applies under chapter 15, part 1 for a review of the original decision and the chief executive confirms the original decision on the review—the last day to apply under chapter 15, part 2 for a review of the review decision; or

(c) if the applicant applies under chapter 15, part 2 for a review of the review decision about the original decision—the day the review decision is confirmed on the review or the application for review is withdrawn.

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Division 6 Surrender of provisional registration or registration

227 Surrender

(1) A parent of a child who is provisionally registered, or registered, for home education may, by notice given to the chief executive, surrender the provisional registration or registration.

(2) The surrender takes effect—

(a) on the day the notice is given to the chief executive; or

(b) if a later day of effect is stated in the notice—on the later day.

228 Obligation to surrender

(1) This section applies if a child who is provisionally registered, or registered, for home education stops receiving home education.

(2) A parent of the child must—

(a) as soon as practicable after the child stops receiving home education, surrender the provisional registration or registration under section 227; and

(b) if, at the time of the surrender, the child is enrolled by the parent, or an application has been made by the parent for the enrolment of the child, at a State school or non-State school—when giving notice of the surrender, notify the chief executive of the enrolment or application, and the school's name.

Division 7 Miscellaneous

229A When registration ends in relation to child's age

(1) The provisional registration, or registration, for home education of a child ends on 31 December in the year the child turns 18 years.

(2) Subsection (1) does not limit the chief executive's power, under division 5, to cancel the registration of a child for home education.

Part 6 Employment of children

230 Employment of child who is of compulsory school age

(1) A parent of a child who is of compulsory school age must not employ the child, or allow the child to be employed, during the time the child is required under this chapter to attend a State school or non-State school, unless the parent has a reasonable excuse.

Maximum penalty—6 penalty units.

(2) For subsection (1), a parent of a child who causes or allows the child to engage in any calling carried on by the parent by way of trade or for gain is taken to employ the child.

(3) Subsection (1) does not apply—

(a) to the employment of the child—

(i) under arrangements approved for the child under chapter 9, part 2; or

(ii) under an apprenticeship or traineeship under the *Further Education and Training Act 2014*; or

(b) while an exemption is in force for the child under chapter 9, part 3.

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(4) Also, subsection (1) applies subject to a law of the Commonwealth under which a person who is of compulsory school age may be employed.

(5) A parent of a child who is of compulsory school age must not give to any of the following persons information, which the parent knows to be false, about the age of the child or any other matter to which subsection (1) or (2) relates—

(a) any person employing the child;

(b) any person who, after the giving of the information, employs the child;

(c) any person appointed under this Act.

Maximum penalty—6 penalty units.

Note—

See the *Child Employment Act 2006*, part 2 for other provisions restricting the ability of a child who is of compulsory school age to work.

Chapter 10 Compulsory participation in education or training

Part 1 Key terms

231 Compulsory participation phase

A young person's ***compulsory participation phase***—

(a) starts when the person stops being of compulsory school age; and

(b) ends when the person—

(i) gains a certificate of achievement, senior statement, certificate III or certificate IV; or

(ii) has participated in eligible options for 2 years after the person stopped being of compulsory school age; or

(iii) turns 17 years.

232 Eligible options and providers

(1) In the following table, each of the options listed is an ***eligible option*** and the entity stated opposite is the ***provider*** for the option.

eligible option	provider
an educational program provided under this Act	a State school
an educational program provided under the *Education (Accreditation of Non-State Schools) Act 2017*	a non-State school
a course of study under the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth)	a registered higher education provider
a VET course under the *National Vocational Education and Training Regulator Act 2011* (Cwlth)	a registered training organisation
an apprenticeship or traineeship under the *Further Education and Training Act 2014*	a registered training organisation
a departmental employment skills development program under the *Further Education and Training Act 2014*	the chief executive administering the *Further Education and Training Act 2014*

(2) In this section—

registered higher education provider see the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth), section 5.

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Part 2 Participation in a program or course

233 Application of pt 2

This part applies to an eligible option other than an apprenticeship or traineeship under the *Further Education and Training Act 2014*.

234 What is participation

(1) A young person is participating in an eligible option only if the person is—

(a) enrolled with the provider in the relevant program or course; and

(b) complying with the provider's attendance requirements for the program or course.

(2) The provider's attendance requirements for a program or course are the requirements about physically attending, at particular times, the provider's premises or another place.

(3) However, despite subsection (2)—

(a) the provider's attendance requirements for a program of distance education are to complete and return the assigned work for the program; and

(b) the provider's attendance requirements for an external program are its requirements about communicating with or contacting the provider for the purpose of participating in the program or course.

235 Full-time participation

A reference to full-time participation in an eligible option—

(a) is a reference to participation in an eligible option at a level that is full-time under the requirements of the option; and

(b) includes part-time participation in 2 or more eligible options to an extent that is at least equivalent to full-time participation in 1 option.

Example for paragraph (b)—

A young person is participating part-time in an educational program at a State school or non-State school (the ***school program***) and part-time in a course of vocational education and training at TAFE Queensland (the ***VET course***).

The levels of the young person's participation are—

- 60% of full-time participation in the school program
- 40% of full-time participation in the VET course.

236 Allowed absence

A young person's participation in an eligible option is taken to continue during an absence allowed under the requirements of the option.

Example—

A person enrolled in an educational program at a State school is absent for a day because of illness.

237 Suspension or exclusion

(1) If a young person participating in an eligible option stops attending the provider because the person has been suspended from the provider, the person's participation in the option is taken to continue during the period of the suspension.

(2) Subsection (1) does not apply to suspension from a State school under chapter 12, part 3, division 2, 3 or 4 if the person has been placed in an educational program under section 284, 294 or 301.

Note—

Section 234(1) and (3)(b) provide for how the person participates in the educational program.

(3) If a young person participating in an eligible option stops attending the provider because the person has been excluded from the provider, the person is taken for this chapter to be

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continuing to participate in an eligible option, at the same level as before the exclusion, for the time reasonably required for the person to resume participation in an eligible option.

Part 3 Participation in an apprenticeship or traineeship

238 Participation in an apprenticeship or traineeship

(1) This section applies to a young person who is an apprentice or trainee under the *Further Education and Training Act 2014*.

(2) The person is taken to be participating full-time in an apprenticeship or traineeship under the *Further Education and Training Act 2014*.

Part 4 Parents' obligation

239 Obligation to ensure participation

(1) Each parent of a young person in the compulsory participation phase must ensure the young person is participating full-time in an eligible option, unless the parent has a reasonable excuse.

Maximum penalty—

(a) for a first offence—6 penalty units; or

(b) for a second or subsequent offence, whether or not relating to the same child of the parent—12 penalty units.

(2) Without limiting subsection (1), it is a reasonable excuse for a parent (the ***relevant parent***) that—

(a) the young person lives with another parent and the relevant parent believes, on reasonable grounds, the other parent is ensuring the young person participates full-time in an eligible option; or

(b) in all the circumstances, the relevant parent is not reasonably able to control the young person's behaviour to the extent necessary to ensure the young person participates full-time in an eligible option.

240 Exceptions to obligation

(1) Section 239(1) does not apply to the extent provided under an exemption in force under part 5.

(2) Section 239(1) does not apply if the young person is in paid employment for at least 25 hours each week.

(3) Section 239(1) does not apply if the young person is enrolled with an entity providing a non-departmental employment skills development program and attending the entity for the program.

(4) Section 239(1) does not apply to the extent of any inconsistency with a law of the Commonwealth under which a young person in the compulsory participation phase may carry on an activity other than participating full-time in an eligible option.

(5) Section 239(1) does not apply if the young person is provisionally registered, or registered, for home education under chapter 9, part 5.

241 Notice to, and meeting with, parent

(1) This section applies if an authorised officer reasonably suspects a young person is in the compulsory participation phase and is not participating full-time in an eligible option.

(2) The officer may give a parent of the young person a notice in the approved form about the parent's obligation under section 239(1).

(3) The officer may also meet with the parent to discuss the obligation.

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(4) If, despite the officer taking reasonable steps to meet with the parent under subsection (3), no meeting is held, the officer may give the parent a warning notice in the approved form.

(5) For the *Police Powers and Responsibilities Act 2000*, section 16, an authorised officer acting under this section is a public official performing a function authorised by this Act.

(6) In this section—

authorised officer means the chief executive or an officer of the department authorised by the chief executive for this section.

242 Limits on proceedings against a parent

(1) Proceedings for an offence against section 239(1) may be brought against a parent—

(a) by the chief executive or with the chief executive's consent; and

(b) only if the time when the parent is alleged to have committed the offence is after—

(i) the parent has been given a notice under section 241(2); and

(ii) at least 1 meeting has been held with the parent under section 241(3) or the parent has been given a warning notice under section 241(4).

Note—

Under section 432, the chief executive may delegate the chief executive's functions under this section to an appropriately qualified officer of the department.

(2) The chief executive (child safety) is not liable to be prosecuted for an offence against section 239(1).

Part 5 Exemptions from compliance with compulsory participation requirements

Division 1 Preliminary

243 Definition for pt 5

In this part—

relevant decision-maker see section 245(1).

Division 2 Power to grant exemption

244 Chief executive may grant exemption

(1) The chief executive may grant an exemption fully excusing a young person from participation if the chief executive is reasonably satisfied—

(a) the young person can not participate in any eligible option; or

(b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option.

(2) The chief executive may grant an exemption partially excusing a young person from participation if the chief executive is satisfied—

(a) the young person can not participate in any eligible option at a full-time level; or

(b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option at a full-time level.

(3) Despite subsection (1) or (2), the chief executive may not grant an exemption for a young person under this section if—

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(a) the young person is participating in an eligible option for which a non-State school is the provider; and

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

244A Non-State school's principal may grant exemption

(1) A non-State school's principal may grant an exemption fully excusing a young person from the requirement that the young person participate in an eligible option if—

(a) the non-State school is the provider for the eligible option; and

(b) the principal is reasonably satisfied—

(i) the young person can not participate in the eligible option; or

(ii) it would be unreasonable in all the circumstances to require the young person to participate in the eligible option; and

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

(2) A non-State school's principal may grant an exemption partially excusing a young person from the requirement that the young person participate in an eligible option if—

(a) the non-State school is the provider for the eligible option; and

(b) the principal is reasonably satisfied—

(i) the young person can not participate in the eligible option at a full-time level; or

(ii) it would be unreasonable in all the circumstances to require the young person to participate in the eligible option at a full-time level; and

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

Division 3 Application process

245 Application for exemption

(1) A young person, or a parent of a young person, may apply to the following person (the ***relevant decision-maker***) for an exemption from the requirement that the young person participate in an eligible option—

(a) for an application for an exemption under section 244—the chief executive;

(b) for an application for an exemption under section 244A—the principal of the non-State school that is the provider for the eligible option.

(2) The application must—

(a) state the period for which the exemption is sought; and

(b) for an application by a young person—include the signed consent of a parent of the young person.

(3) However, subsection (2)(b) does not apply if the relevant decision-maker is satisfied it would be inappropriate in all the circumstances to require the signed consent of a parent.

Example—

an application by a young person living independently of the young person's parents

(4) The applicant must provide any other relevant information reasonably required by the relevant decision-maker to decide the application.

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Example—

If an exemption is sought because the young person is ill, the information required under this subsection may include stated medical evidence.

246 Lapsing of application

(1) The relevant decision-maker may make a requirement under section 245(4) by giving the applicant a notice stating—

(a) the required information; and

(b) the time by which the information must be given to the relevant decision-maker; and

(c) that, if the information is not given to the relevant decision-maker by the stated time, the application will lapse.

(2) The time stated must be reasonable and, in any case, at least 14 days after the requirement is made.

(3) The relevant decision-maker may withdraw the requirement, or part of the requirement, at any time.

(4) Before the stated time ends, the relevant decision-maker may give the applicant a further notice extending the stated time if the relevant decision-maker is satisfied it would be reasonable in all the circumstances to give the extension.

(5) If the applicant does not comply with the requirement within the stated time, or any extension, the application lapses.

247 Temporary exemption until application is decided

(1) If the application is made before the young person starts the person's compulsory participation phase, section 239(1) does not apply to a parent of the young person until—

(a) 14 days after the relevant decision-maker gives notice to the applicant under section 248; or

(b) the application lapses.

(2) If the application is made while an existing exemption under this part is in force for the young person, the existing exemption continues to apply until 14 days after the relevant decision-maker gives notice to the applicant under section 248, or until the application lapses.

248 Decision

(1) The relevant decision-maker must consider the application and either grant, or refuse to grant, the exemption.

(2) If the relevant decision-maker decides to grant the exemption, the relevant decision-maker must as soon as practicable grant the exemption to the applicant.

(3) If the relevant decision-maker decides to refuse to grant the exemption, the relevant decision-maker must as soon as practicable give the applicant an information notice about the decision.

249 Contents of exemption

(1) This section applies if the relevant decision-maker decides to grant an exemption from the requirement that a young person participate in an eligible option.

(2) The exemption must state—

(a) the day it is granted; and

(b) the young person to whom it relates; and

(c) whether it is full or partial and, if it is partial, the extent to which the person is excused from participation; and

(d) whether it applies until the end of the person's compulsory participation phase or only until a stated earlier time; and

(e) any conditions on which it is granted; and

(f) whether the relevant decision-maker has granted any other exemptions for the young person in the year in

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which the exemption is granted, and, if so, the period of each exemption.

250 Imposition of conditions

(1) The relevant decision-maker may, in granting the exemption, decide to impose conditions on the exemption that are relevant and reasonable.

(2) If the relevant decision-maker decides to grant an exemption on conditions, the relevant decision-maker must as soon as practicable give the applicant an information notice about the decision.

251 Lesser period of exemption than that applied for

(1) The relevant decision-maker may, in granting the application, decide to grant the exemption for a lesser period than that applied for by the applicant for the exemption.

(2) If the relevant decision-maker decides to grant an exemption for a lesser period than that applied for by the applicant for the exemption, the relevant decision-maker must as soon as practicable give the applicant an information notice about the decision.

Division 4 Miscellaneous

251AA Record of decisions about exemptions—non-State schools

(1) The governing body of a non-State school must keep a record of each decision made by the school's principal under section 248 as required under subsection (2).

Maximum penalty—20 penalty units.

(2) The record must—

(a) be kept for at least 5 years from the day the decision was made; and

(b) for a decision to grant an application for an exemption—include the matters mentioned in section 249(2).

251AB Notice to principal or governing body of non-State school

(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.

(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.

(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.

251AC Protection from liability

(1) This section applies to a non-State school's principal in complying with a request of the chief executive under section 251AB.

(2) The principal is not civilly liable for an act done, or omission made, honestly and without negligence in complying with the request.

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

Part 6 Miscellaneous

251A Disclosure by chief executive to appropriate entities

To help in carrying on re-engagement activities, the chief executive may disclose the following information about a

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young person in the compulsory participation phase to an entity the chief executive considers appropriate—

(a) name and any previous names;

(b) address;

(c) date of birth;

(d) the last eligible option in which the young person participated, so far as the chief executive is aware;

(e) other information prescribed under a regulation.

Examples of entities that may be appropriate—

- a provider
- a youth support entity
- a human services entity

251B Consultation about planning

The chief executive must consult regularly with the following entities for the purpose of carrying on planning activities—

(a) the Association of Independent Schools of Queensland Inc.;

(b) the Queensland Catholic Education Commission;

(c) the chief executive administering the *Further Education and Training Act 2014*.

251C Transitional

To remove any doubt, it is declared that, despite section 231, a young person is not in the compulsory participation phase if the person turned 15 years or completed year 10 before 1 January 2006.

251D Confidentiality

(1) This section applies to a person (the ***relevant person***)—

(a) who is or has been—

(i) the chief executive or a public service employee in the department; or

(ii) an entity, or an employee of an entity, to whom the chief executive has given information under section 251A; and

(b) who, in the course of the administration of this chapter, or because of opportunity provided by the administration, has gained or has access to personal information about a young person in the student account phase.

(2) The relevant person must not make a record of the information or disclose the information to anyone else, other than—

(a) for a purpose of this chapter; or

(b) with the consent of the person to whom the information relates; or

(c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or

(d) as permitted or required by another Act.

Maximum penalty—50 penalty units.

(3) Subsection (2) continues to apply to personal information about a young person in the student account phase after the phase ends.

(4) In this section—

disclose, information, includes give access to the information.

employee, of a provider, the QCAA or another entity, includes—

(a) a person appointed to a position with the entity; and

(b) a person engaged by the entity under a contract for services; and

(c) an unpaid employee of the entity.

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personal information means information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

student account phase see the E(QCAA) Act, schedule 1.

Chapter 12 Good order and management of State educational institutions and non-State schools

Part 1 Student discipline

274 Application of part

This part does not apply in relation to a kindergarten student.

275 Control of student discipline

(1) The principal of a State school must control and regulate student discipline in the school.

(2) The way in which the principal controls and regulates student discipline in the school may include providing for students to carry on activities—

(a) after school hours; and

(b) on a day other than a school day.

276 Policies or procedures for student discipline

(1) The chief executive may make a policy or procedure about the way in which principals of State schools are to control and regulate student discipline.

(2) The policy or procedure may provide for the following matters—

(a) the detention of students by principals or teachers;

(b) the performance of community service by students;

(c) the making, by principals, of discipline improvement plans for students;

(d) any other matter the chief executive considers appropriate.

(3) The chief executive must ensure the policy or procedure is available for public inspection, without charge—

(a) during normal business hours at the department's head office; and

(b) on the department's website.

(4) The principal of a State school must ensure that the way in which the principal controls and regulates student discipline in the school complies with the policy or procedure.

Part 3 Suspension, exclusion, and cancellation of enrolment, of State school students

Division 1 Preliminary

279 Application of part

This part does not apply in relation to a kindergarten student.

280 Definitions for pt 3

In this part—

charge-related ground see section 282(4).

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conduct, of a student, includes an omission to perform an act by the student.

dealt with, in relation to a charge against a student for an offence, means any of the following—

(a) the student is acquitted or convicted of the charge;

(b) the student is convicted of another offence arising out of substantially the same acts or omissions as those constituting the charge;

(c) the charge is withdrawn or dismissed;

(d) a nolle prosequi or no true bill is presented in relation to the charge.

disability, in relation to a person, see the *Disability Discrimination Act 1992* (Cwlth), section 4.

offence includes an act or omission committed outside Queensland that would be an offence if it were committed in Queensland.

Division 1A Information about student charges and convictions

280A Application of div 1A

(1) This division applies to a person despite the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 5 to the extent it relates to charges.

(2) This division does not apply to a mature age student of a mature age State school.

280B Chief executive may give information to police commissioner

(1) The chief executive may, for this division, give the police commissioner—

(a) information about whether a person is a student of a State school; and

(b) the name of the person and other identifying information about the person, including the person's date and place of birth and any alias.

(2) Information given to the police commissioner under subsection (1) must only be used for this division.

280C Chief executive may ask police commissioner about student charge or conviction

(1) This section applies if—

(a) the chief executive reasonably suspects that a student enrolled at a State school has been charged with, or convicted of, an offence; and

(b) the school's principal or the chief executive requires confirmation of the charge or conviction for the exercise of a function under this part.

(2) The chief executive may ask the police commissioner whether the student has been charged with, or convicted of, the offence and, if so, for information about the charge or conviction, including a brief description of the circumstances of the charge or conviction.

280D Requirement for police commissioner to give information about student charge or conviction

(1) The police commissioner must comply with a request made under section 280C.

(2) However, subsection (1) applies only in relation to information in the police commissioner's possession or to which the commissioner has access.

(3) To remove any doubt, it is declared that, despite the *Youth Justice Act 1992*, part 9, the police commissioner may disclose information to which that part applies to the chief

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executive when complying with a request made by the chief executive under section 280C.

280E Use of information about student charge or conviction

(1) The chief executive must not use information obtained from the police commissioner under this division other than for this part.

(2) A State school's principal must not use information obtained by the chief executive from the police commissioner under this division other than for division 2 or 3.

280F Destruction of information about student charge or conviction

The chief executive must ensure that information obtained from the police commissioner under this division is destroyed as soon as practicable after it is no longer needed for the purpose for which it may be used under section 280E.

Division 2 Suspension of students by principal

Subdivision 1 General provisions

281 Principal's power to suspend

(1) The principal of a State school at which a student is enrolled may, under this division, suspend the student from the school if the principal is reasonably satisfied a ground exists for the suspension.

(2) The principal may act under this division whether or not the student has already been suspended or excluded under this part.

(3) In this division, a reference to suspension is a reference to suspension of a student in exercise of the power under subsection (1).

282 Grounds for suspension

(1) Each of the following is a ground for suspension—

(a) disobedience;

(b) misbehaviour;

(c) conduct that adversely affects, or is likely to adversely affect, other students;

(d) conduct that adversely affects, or is likely to adversely affect, the good order and management of the school;

(e) the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or of staff.

(2) Before suspending a student on a ground mentioned in subsection (1), the principal must consider the matters prescribed by regulation.

(3) To remove any doubt, it is declared that, for subsection (1)(c) or (d), conduct may be a ground for suspension even if the conduct does not happen on school premises or during school hours.

(4) It is also a ground for suspension (a ***charge-related ground***) if—

(a) the student is charged with a serious offence; or

(b) both of the following apply—

(i) the student is charged with an offence other than a serious offence;

(ii) the principal is reasonably satisfied it would not be in the best interests of other students or of staff for the student to attend the school while the charge is pending.

283 Duration and notice of suspension

(1) Suspension may be—

(a) generally—for not more than 10 school days; or

Not authorised—indicative only

Not authorised—indicative only

(b) on a ground other than a charge-related ground and if the principal is reasonably satisfied the ground is so serious that the suspension should be for more than 10 school days—for not more than 20 school days; or

(c) on a charge-related ground—until the day the principal makes a decision under section 288.

(2) The principal must tell the student about the suspension.

(3) The suspension starts when the principal tells the student about the suspension.

(4) The principal must give the student a notice about the suspension within the period prescribed by regulation.

(5) The notice must—

(a) be in the approved form; and

(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.

284 Continuing education during suspension

A principal who suspends a student must take reasonable steps to arrange for the student's access to an educational program that allows the student to continue the student's education during the suspension.

285 Submission against suspension

(1) A student may make a written submission against the suspension of the student—

(a) for a period of more than 10 school days under section 283(1)(b); or

(b) on a charge-related ground under section 283(1)(c).

(2) A student may also make a written submission against the short suspension of the student if—

(a) the student has received at least 1 short suspension earlier in the school year (an ***earlier short suspension***); and

(b) the total period of the current short suspension and all earlier short suspensions in the school year is at least 11 school days.

(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) The submission must—

(a) be made to the chief executive; and

(b) state fully the grounds for the submission and the facts relied on; and

(c) be made within the period prescribed by regulation.

Note—

See also section 331.

(5) In this section—

short suspension means suspension for a period of not more than 10 school days under section 283(1)(a).

286 Dealing with submission against suspension

(1) This section applies if a submission is made to the chief executive under section 285.

(2) The chief executive must, as soon as practicable after receiving the submission, but within the period prescribed by regulation—

(a) review the principal's decision to suspend the student; and

(b) decide to—

(i) confirm the decision; or

(ii) vary the decision; or

Not authorised—indicative only

Not authorised—indicative only

(iii) set aside the decision and substitute another decision.

(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—

(a) about the decision; and

(b) when the student may resume attendance at the school.

(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.

Subdivision 2 Charge-related suspensions

287 Application of sdiv 2

This subdivision applies for suspension on a charge-related ground.

288 Principal must decide whether to exclude student after charge dealt with

(1) After the charge is dealt with, the principal must decide whether to propose to exclude the student from the school under section 293.

Note—

The principal may propose to exclude the student on a ground mentioned in section 292(1) or (4).

(2) The decision must be made within the period prescribed by regulation.

(3) Subsections (4) and (5) apply if the principal decides not to propose to exclude the student.

(4) The principal must, within the period prescribed by regulation, tell the student about the decision and that the suspension has ended.

(5) The principal must also, within the period prescribed by regulation, give the student a notice in the approved form about the decision.

289 Principal may decide to end suspension before charge dealt with

(1) This section applies if, on a day before the charge is dealt with, the principal is satisfied it would no longer not be in the best interests of other students or of staff for the student to attend the school while the charge is pending.

(2) Despite section 283(1)(c), the principal may decide to end the suspension.

(3) The principal must, within the period prescribed by regulation, tell the student about the decision and that the suspension has ended.

(4) The principal must also, within the period prescribed by regulation, give the student a notice in the approved form about the decision.

Subdivision 3 Chief executive's powers and delegation of particular matters by principal

290 Chief executive may exercise suspension power

(1) This section applies if the principal of a State school, or the chief executive, reasonably believes it would be appropriate for the chief executive to exercise the suspension power.

Example—

It would be appropriate for the chief executive to exercise the power if the principal was prevented from doing so by the principles of natural justice relating to bias.

(2) The chief executive may exercise the power.

Not authorised—indicative only

Not authorised—indicative only

(3) Each provision of this division applies as if a reference in the provision to the principal were a reference to the chief executive.

290A Principal may delegate function of telling students about suspension decision

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.

Examples of a teacher who assists the principal with the management of the school—

the head of a primary or secondary school, a deputy principal

Division 3 Exclusion of students by principal

291 Principal's power to exclude

(1) The principal of a State school at which a student is enrolled may, under this division, exclude the student from the school if the principal is reasonably satisfied a ground exists for the exclusion.

(2) The principal may act under this division whether or not the student has already been suspended or excluded under this part.

(3) In this division, a reference to exclusion is a reference to exclusion of a student in exercise of the power under subsection (1).

292 Grounds for exclusion

(1) Each of the following is a ground for exclusion—

(a) persistent disobedience;

(b) misbehaviour;

(c) conduct that adversely affects, or is likely to adversely affect, other students;

(d) conduct that adversely affects, or is likely to adversely affect, the good order and management of the school;

(e) the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or of staff;

if suspension of the student under division 2 is inadequate to deal with the disobedience, misbehaviour, conduct or risk.

(2) Before excluding a student on a ground mentioned in subsection (1), the principal must consider the matters prescribed by regulation.

(3) 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.

(4) It is also a ground for exclusion if—

(a) the student has been convicted of an offence; and

(b) the principal is reasonably satisfied it would not be in the best interests of other students or of staff for the student to be enrolled at the school.

293 Proposed exclusion and suspension pending exclusion

(1) This section applies if the principal of a State school proposes to exclude a student under this division.

(2) The principal must—

(a) tell the student about the proposed exclusion; and

(b) either—

(i) if the student is already suspended—tell the student that the suspension continues until the principal makes a final decision about the proposed exclusion; or

Not authorised—indicative only

Not authorised—indicative only

(ii) if the student is not already suspended—suspend the student, and tell the student that the student is suspended until the principal makes a final decision about the proposed exclusion.

(3) If the student is already suspended, the student's suspension—

(a) is continued when the principal tells the student the suspension is continued under subsection (2)(b)(i); and

(b) ends when the principal makes a final decision about the proposed exclusion.

(4) If the student is not already suspended, the student's suspension—

(a) starts when the principal tells the student about the suspension under subsection (2)(b)(ii); and

(b) ends when the principal makes a final decision about the proposed exclusion.

(5) Also, the principal must, within the period prescribed by regulation, give the student a notice about the proposed exclusion and suspension.

(6) The notice must—

(a) be in the approved form; and

(b) state whether the principal proposes to exclude the student for a stated period of not more than 1 year or permanently.

294 Continuing education during suspension

A principal who suspends a student pending a final decision about exclusion must take reasonable steps to arrange for the student's access to an educational program that allows the student to continue the student's education during the suspension.

295 Final decision about exclusion

(1) The principal of a State school must make a final decision about the exclusion of a student within the period prescribed by regulation.

(2) If the principal decides not to exclude the student, the principal must, within the period prescribed by regulation, tell the student—

(a) about the decision; and

(b) that the suspension has ended; and

(c) that the student may resume attendance at the school.

(3) The principal must also, within the period prescribed by regulation, give the student a notice in the approved form about the decision.

(4) If the principal decides to exclude the student, the principal must exclude the student—

(a) for a period of not more than 1 year; or

(b) permanently.

(5) However, the exclusion must not be longer than the period stated in the notice given to the student under section 293(5).

(6) The principal must, within the period prescribed by regulation, give the student a notice in the approved form about the exclusion.

(7) The notice must state—

(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

(b) if the student is excluded permanently—that the student may make a periodic written submission to the chief executive under division 7.

Not authorised—indicative only

Not authorised—indicative only

296 Effect of exclusion on enrolment

If a student is excluded from a State school at which the student is enrolled, the enrolment is taken to be cancelled.

297 Chief executive may exercise exclusion power

(1) This section applies if the principal of a State school, or the chief executive, reasonably believes it would be appropriate for the chief executive to exercise the exclusion power.

Example—

It would be appropriate for the chief executive to exercise the power if the principal was prevented from doing so by the principles of natural justice relating to bias.

(2) The chief executive may exercise the power.

(3) Each provision of this division applies as if a reference in the provision to the principal were a reference to the chief executive.

Division 4 Exclusion of students from certain State schools or all State schools by chief executive

298 Chief executive's power to exclude

(1) The chief executive may, under this division, exclude a student from certain State schools, or all State schools, if the chief executive is reasonably satisfied a ground exists for the exclusion.

(2) The chief executive may act under this division whether or not the student has already been suspended or excluded under this part.

(3) In this division, a reference to exclusion is a reference to exclusion of a student in exercise of the power under subsection (1).

Not authorised—indicative only

299 Grounds for exclusion

(1) Each of the following is a ground for exclusion—

(a) persistent disobedience;

(b) misbehaviour;

(c) conduct that adversely affects, or is likely to adversely affect, other students;

(d) conduct that adversely affects, or is likely to adversely affect, the good order and management of the schools;

(e) the student's attendance at the schools poses an unacceptable risk to the safety or wellbeing of other students or of staff;

if exclusion of the student under division 3 is inadequate to deal with the disobedience, misbehaviour, conduct or risk.

(2) Before excluding a student on a ground mentioned in subsection (1), the chief executive must consider the matters prescribed by regulation.

(3) 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.

(4) It is also a ground for exclusion if—

(a) the student has been convicted of an offence; and

(b) the chief executive is reasonably satisfied it would not be in the best interests of other students or of staff for the student to be enrolled at the schools.

300 Proposed exclusion and suspension pending exclusion

(1) This section applies if the chief executive proposes to exclude a student under this division.

(2) The chief executive must—

(a) tell the student about the proposed exclusion; and

(b) either—

Not authorised—indicative only

(i) if the student is already suspended or excluded from a relevant school—tell the student that the suspension or exclusion from the school continues until the chief executive makes a final decision about the proposed exclusion; or

(ii) if the student is not already suspended or excluded from a relevant school—suspend the student, and tell the student that the student is suspended from the school until the chief executive makes a final decision about the proposed exclusion.

(3) If the student is already suspended or excluded, the student's suspension or exclusion—

(a) is continued when the chief executive tells the student the suspension or exclusion is continued under subsection (2)(b)(i); and

(b) ends when the chief executive makes a final decision about the proposed exclusion under this division.

(4) If the student is not already suspended or excluded, the student's suspension—

(a) starts when the chief executive tells the student about the suspension under subsection (2)(b)(ii); and

(b) ends when the chief executive makes a final decision about the proposed exclusion under this division.

(5) Also, the chief executive must give the student a notice about the proposed exclusion and suspension.

(6) The notice must—

(a) be in the approved form; and

(b) state whether the chief executive proposes to exclude the student—

(i) for a stated period of not more than 1 year or permanently; and

(ii) from certain State schools, stated in the notice, or all State schools.

(7) In this section—

relevant school means a State school that the chief executive is proposing to exclude the student from under this division.

301 Continuing education during suspension

If the chief executive suspends a student pending a final decision about exclusion, the chief executive must take reasonable steps to arrange for the student's access to an educational program that allows the student to continue the student's education during the suspension.

302 Final decision about exclusion

(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).

(2) If the chief executive decides not to exclude the student, the chief executive must, as soon as practicable, tell the student—

(a) about the decision; and

(b) that the suspension has ended; and

(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.

(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.

(4) If the chief executive decides to exclude the student, the chief executive must exclude the student—

(a) for a period of not more than 1 year; or

(b) permanently.

Note—

See chapter 15, part 4 for review of the decision by QCAT.

Not authorised—indicative only

Not authorised—indicative only

(5) However, the exclusion must not be longer than the period stated in the notice given to the student under section 300(5).

(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.

(7) The notice must state—

(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

(b) if the student is excluded permanently—that the student may make a periodic written submission to the chief executive under division 7.

(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).

303 Effect of exclusion on enrolment

If a student is excluded from a State school at which the student is enrolled, the enrolment is taken to be cancelled.

304 Continuing education during exclusion of certain students

(1) This section applies to a student of a State school who is—

(a) of compulsory school age; or

(b) a young person in the compulsory participation phase.

(2) If the student is excluded from all State schools, the chief executive must take reasonable steps to arrange for the student's access to an educational program that allows the student to continue the student's education during the exclusion.

Division 5 Exclusion of prospective students by chief executive

305 Application of div 5

This division applies if—

(a) a State school's principal, under section 156(2), refers an application for enrolment of a prospective student at the school to the chief executive; and

(b) the chief executive gives the applicant a show cause notice under section 158(3).

306 Risk to safety or wellbeing

(1) If the chief executive reasonably believes the prospective student's attendance at certain State schools or all State schools would pose an unacceptable risk to the safety or wellbeing of other students or staff of the schools, the chief executive must give the prospective student a notice (a ***show cause notice***) stating the following—

(a) that the chief executive proposes to exclude the prospective student from the schools for a stated period of not more than 1 year or permanently (the ***proposed action***);

(b) the grounds for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the grounds;

(d) an invitation to the prospective student to show within a stated period (the ***show cause period***) why the proposed action should not be taken.

(2) The show cause period must be a period ending at least 14 days after the show cause notice is given to the prospective student.

Not authorised—indicative only

Not authorised—indicative only

307 Representations about show cause notice

(1) The prospective student may make written representations about the show cause notice to the chief executive in the show cause period.

(2) The chief executive must consider all written representations (the ***accepted representations***) made under subsection (1).

308 Ending show cause process without further action

If, after considering any accepted representations for the show cause notice, the chief executive no longer reasonably believes the prospective student's attendance at certain State schools or all State schools would pose an unacceptable risk to the safety or wellbeing of other students or staff of the schools, the chief executive—

(a) must not take further action about the show cause notice; and

(b) must, as soon as practicable, give notice to the prospective student that no further action is to be taken about the show cause notice.

309 Exclusion

(1) This section applies if, after considering any accepted representations for the show cause notice, the chief executive still reasonably believes the prospective student's attendance at certain State schools or all State schools would pose an unacceptable risk to the safety or wellbeing of other students or staff of the schools.

(2) The chief executive must decide to exclude the prospective student from the schools.

Note—

See chapter 15, part 4 for review of the decision by QCAT.

(3) The chief executive may not decide to exclude the prospective student for a longer period than the period of the proposed

exclusion stated in the show cause notice given to the prospective student under section 306.

(4) If the decision relates to certain State schools, the chief executive must give the prospective student a notice stating—

(a) that the prospective student is excluded from the stated schools for a stated period of not more than 1 year or permanently; and

(b) the reason for the exclusion; and

(c) that the prospective student may make a submission asking the chief executive to review the exclusion under division 6; and

(d) the title, name and address of the chief executive; and

(e) the way in which the submission may be made.

(5) If the decision relates to all State schools, the chief executive must give the prospective student a notice—

(a) stating that the prospective student is excluded from all State schools for a stated period of not more than 1 year or permanently; and

(b) complying with the QCAT Act, section 157(2).

310 Continuing education of certain excluded student

(1) This section applies to a prospective student of a State school who is—

(a) of compulsory school age; or

(b) a young person in the compulsory participation phase.

(2) If the prospective student is excluded under section 309 from all State schools, the chief executive must take reasonable steps to arrange for the prospective student's access to an educational program that allows the prospective student to continue the student's education during the exclusion.

Not authorised—indicative only

Not authorised—indicative only

Division 6 Review of particular exclusion decisions

311 Application of div 6

This division applies to a person (the ***excluded person***) who is excluded, under section 291, 298 or 309(4), from a State school at which the student is enrolled or certain State schools.

312 Submission against exclusion decision

(1) The excluded person may make a submission against the decision to exclude the excluded person (the ***exclusion decision***).

(2) The submission must—

(a) be made to the chief executive within 30 school days after the day the excluded person is given notice of the exclusion decision under section 295(6), 302(6) or 309(4); and

(b) state fully the grounds for the submission and the facts relied on.

313 Dealing with submissions against exclusions

(1) If a submission is made to the chief executive, the chief executive must, within 40 school days after receiving the submission, consider the exclusion decision and the submission and—

(a) confirm the exclusion decision; or

(b) amend the exclusion decision; or

(c) set aside the exclusion decision and make a new decision in substitution of the exclusion decision.

(2) If the exclusion decision was made under section 291 or 298, after the chief executive has decided to confirm, amend or set aside the exclusion decision, the chief executive must—

(a) as soon as practicable tell the excluded person and relevant principal—

(i) about the chief executive's decision; and

(ii) if the chief executive's decision allows the excluded person to attend the school or schools earlier than if the exclusion decision had been confirmed—when the excluded person may attend the school or schools; and

(b) within 7 days after telling the excluded person about the chief executive's decision, give notice of the chief executive's decision and the reasons for the chief executive's decision to—

(i) the excluded person; and

(ii) the relevant principal.

(3) If the exclusion decision was made under section 309(4), after the chief executive has decided to confirm, amend or set aside the exclusion decision, the chief executive must—

(a) as soon as practicable tell the excluded person—

(i) about the chief executive's decision; and

(ii) if the chief executive's decision allows the excluded person to attend the school or schools earlier than if the exclusion decision had been confirmed—when the excluded person may attend the school or schools; and

(b) within 7 days after telling the excluded person about the chief executive's decision, give the person notice of the chief executive's decision and the reasons for the chief executive's decision.

(4) If the exclusion decision was made under section 291, 298 or 309(4) and was not made by the chief executive personally, the chief executive must ensure the submission is not dealt with under this section by—

(a) the person who made the exclusion decision; or

Not authorised—indicative only

Not authorised—indicative only

(b) a person in a less senior office than the person who made the exclusion decision.

(5) In this section—

relevant principal means the principal of the State school at which the excluded person was enrolled immediately before the exclusion started.

Division 7 Periodic review of certain decisions to exclude permanently

315 Periodic review of decision to exclude permanently on ground mentioned in s 292 or 299—person under 24 years

(1) This section applies to a person under 24 years who is excluded permanently—

(a) from a State school at which the person was enrolled immediately before the exclusion on a ground mentioned in section 292; or

(b) from certain State schools on a ground mentioned in section 299; or

(c) from all State schools on a ground mentioned in section 299.

(2) In each calendar year after the exclusion, the person may make a written submission to the chief executive about whether the exclusion should be revoked.

(3) The person may only make 1 written submission in each calendar year until the end of the calendar year that the person turns 24.

(4) The chief executive must, within 40 school days after any submission is made under subsection (2), consider the submission and—

(a) decide whether to revoke the exclusion; and

(b) give notice of the decision and the reasons for the decision to—

(i) the person; and

(ii) the principal of the State school at which the person was enrolled immediately before the exclusion started.

(5) The chief executive must revoke the exclusion to the extent it applies to a State school if the chief executive is reasonably satisfied—

(a) if the person was excluded on a ground mentioned in section 292(1)(a), (b), (c) or (d), or section 299(1)(a), (b), (c) or (d)—the disobedience, misbehaviour or other conduct is unlikely to recur if the student were allowed to attend the school or schools; or

(b) if the person was excluded on a ground mentioned in section 292(1)(e) or 299(1)(e)—the student's attendance at the school or schools no longer poses an unacceptable risk to the safety or wellbeing of other students or of staff; or

(c) if the person was excluded on a ground mentioned in section 292(4) or 299(4)—it would no longer not be in the best interests of other students or of staff for the student to be enrolled at the school or schools.

(6) Otherwise, the chief executive must not revoke the exclusion.

(7) In this section—

revoke, an exclusion, means—

(a) revoke the exclusion entirely; or

(b) amend the exclusion so it no longer applies to a particular State school.

Not authorised—indicative only

Not authorised—indicative only

Division 8 Cancellation of enrolment of students who are older than compulsory school age

316 Application of division

This division applies in relation to a student enrolled at a State school who is no longer of compulsory school age.

317 Notice of proposed cancellation

(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.

(2) The principal must give the student a notice (a ***show cause notice***) that states the following matters—

(a) that the principal proposes to cancel the student's enrolment;

(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;

(c) an outline of the facts and circumstances forming the basis for the ground;

(d) an invitation to the student to show within a stated period (the ***show cause period***) why the student's enrolment should not be cancelled.

(3) The show cause period must be at least the period prescribed by regulation.

318 Representations about show cause notice

(1) The student may make written representations about the show cause notice to the principal in the show cause period.

(2) The principal must consider all written representations made under subsection (1) (***accepted representations***).

318A Ending show cause process without further action

(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.

(2) The principal—

(a) must not take further action about the show cause notice; and

(b) must, as soon as practicable, give the student notice that no further action is to be taken about the show cause notice.

318B Cancellation of enrolment

(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.

(2) The principal may cancel the student's enrolment.

(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 stating—

(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

(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.

Not authorised—indicative only

Not authorised—indicative only

(4) An application for the enrolment of the student at the school can not be made during the period stated in the notice.

(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.

319 Submission against cancellation

(1) This section applies if the principal of a State school cancels the enrolment of a student under section 318B(2).

(2) The student may make a written submission against the cancellation to the chief executive.

(3) The submission must—

(a) state fully the grounds for the submission and the facts relied on; and

(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.

Note—

See also section 331.

320 Dealing with submission against cancellation

(1) This section applies if a submission is made to the chief executive under section 319(2).

(2) The chief executive must, within the period prescribed by regulation—

(a) review the principal's decision to cancel the enrolment; and

(b) decide to—

(i) confirm the decision; or

(ii) vary the decision; or

(iii) set aside the decision and substitute another decision.

(3) The chief executive must, within the period prescribed by regulation, tell the student and the principal—

(a) about the decision; and

(b) when the student may make an application for enrolment at the school.

(4) The chief executive must also, within the period prescribed by regulation, give the student and the principal a notice in the approved form about the decision.

Division 8A Student support plans

321 Policy about student support plans

(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—

(a) who—

(i) have been suspended from a State school; or

(ii) are at risk of being excluded from a State school; and

(b) who are—

(i) Aboriginal students or Torres Strait Islander students; or

(ii) students enrolled in the preparatory year; or

(iii) students with disability.

(2) A ***student support plan*** 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.

(3) A student support plan must state the following matters—

(a) the behaviour that resulted in the student being suspended, or could result in the student being excluded, including a summary of relevant incidents;

Not authorised—indicative only

Not authorised—indicative only

(b) the needs of the student, and other circumstances, that may be contributing to the student's behaviour;

(c) strategies and support designed to—

(i) improve the behaviour mentioned in paragraph (a); and

(ii) protect the safety and wellbeing of members of the school community.

(4) The policy must state—

(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

(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—

(i) different types of disability; or

(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.

Note—

See also section 322.

(5) The chief executive must ensure the policy is available for public inspection, without charge—

(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—

Not authorised—indicative only

Not authorised—indicative only

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).

Division 9 Other provisions

328 Definitions for div 9

In this division—

parent, of a child, includes a person standing in the place of a parent of the child on a temporary basis.

student includes—

(a) an excluded person; or

(b) a person whose enrolment at a State school has been cancelled under division 8.

329 No entitlement to enrolment at another State school during suspension

A student suspended from a State school under this part is not entitled to be enrolled at another State school during the

period of the suspension unless the enrolment is approved by the chief executive.

330 Copy of notices under this part to be given to parent

(1) If a person is required, under this part, to give a notice to a student and the student is a child, the person must as soon as practicable give a copy of the notice to a parent of the student.

(2) For giving a copy of the notice to a parent of the student, the person may rely on the relevant State school's records about the student's parents and the current residential address of each parent.

(3) Subsection (1) does not apply if the person is satisfied it would be inappropriate in the circumstances to give a copy of the notice to the parent.

Example—

It may be inappropriate to give the parent a copy of the notice if the student is living independently of the student's parents.

331 Parent may also make submission, representation or application

(1) This section applies if—

(a) under a provision of this part, a student or prospective student may make a submission, representations or an application in relation to any of the following—

(i) a suspension under section 283(1);

(ii) an exclusion under section 295(4) or 302(4);

(iii) a proposed exclusion under section 306;

(iv) an exclusion under section 309;

(v) a proposed cancellation of enrolment under section 317;

(vi) a cancellation of enrolment under section 318B; and

Not authorised—indicative only

Not authorised—indicative only

(b) the student or prospective student is a child.

(2) A submission, representations or an application may also be made under the provision in relation to the student by a parent of the student or prospective student.

332 When decisions take effect

(1) Notice of a decision under this part about a student must be given to the student under the section under which the decision is made.

(2) A decision takes effect—

(a) if the student must be told about the decision—on the day the student is told about the decision; or

(b) otherwise—on the day the student is given notice of the decision or a later day stated in the notice.

332A Policy about suspension, exclusion and cancellation of enrolment

(1) The chief executive must make a policy about suspension, exclusion and cancellation of enrolment under this part to—

(a) promote compliance with and understanding of this Act and other relevant laws; and

(b) support the practical operation of this Act.

(2) Without limiting subsection (1), the policy may contain the following information—

(a) information to help principals, students and other persons comply with their obligations under this Act and other relevant laws;

(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;

(c) information to help principals exercise suspension, exclusion and cancellation of enrolment powers under this Act.

Examples—

- information to help a principal assess risk as required by this Act
- practical examples to help a principal decide whether to suspend a student in light of the matters prescribed under section 282(2)

(3) The chief executive must ensure the policy is available for public inspection, without charge—

(a) during normal business hours at the department's head office; and

(b) on the department's website.

Part 4 Wilful disturbance and trespass at State educational institutions

333 Wilful disturbance

(1) A person must not wilfully disturb the good order or management of a State educational institution.

Maximum penalty—20 penalty units.

(2) A person must not insult a staff member of a State educational institution in the presence or hearing of a student of the institution, who is, at the time in question—

(a) in or about the institution; or

(b) assembled with others for educational purposes at or in any place.

Maximum penalty—20 penalty units.

Not authorised—indicative only

Not authorised—indicative only

(3) Subsections (1) and (2) do not apply to a person who was, at the time in question, a student of the State educational institution.

(4) In this section—

insult includes abuse.

334 Trespass

A person must not be on the premises of a State educational institution unless the person has lawful authority or a reasonable excuse for being on the premises.

Maximum penalty—20 penalty units.

Part 5 Directions and orders about conduct or movement at, or entry to, premises of State instructional institutions

Division 1 Preliminary

335 Definitions for pt 5

In this part—

employee, of the department, means—

(a) an employee of, or a contractor for, the department; or

(b) an employee, or subcontractor, of a contractor mentioned in paragraph (a).

exempt person, for a State instructional institution, means—

(a) a student of the institution; or

(b) a person with a disability who—

(i) under section 420(2), is being provided with special education at the institution; and

(ii) is not enrolled in the preparatory year at the institution; or

(c) an employee of the department engaged to perform work at the institution's premises.

Division 2 Powers relating to name and address

336 Person may be required to state name and address

(1) If a State instructional institution's principal proposes to give a direction under section 337 or 339 to a person at the institution's premises, the principal may require the person to state the person's name and residential address.

(2) When making the requirement under subsection (1), the principal must warn the person it is an offence to fail to state the person's name or residential address, unless the person has a reasonable excuse.

(3) The principal may require the person to give evidence of the correctness of the person's stated name or residential address if the principal reasonably suspects the stated name or address is false.

(4) A person must comply with a requirement made of the person under subsection (1) or (3), unless the person has a reasonable excuse.

Maximum penalty for subsection (4)—10 penalty units.

Division 3 Directions about conduct or movement at premises of State instructional institutions

337 Direction about conduct or movement

(1) A State instructional institution's principal may give a person (the ***directed person***) a written direction about the directed

Not authorised—indicative only

Not authorised—indicative only

person's conduct or movement at the institution's premises for up to 30 days after the day on which the direction is given if the principal is reasonably satisfied it is necessary to give the direction—

(a) to ensure the safety or wellbeing of other persons lawfully at the premises; or

(b) to prevent or minimise damage to the premises or to property at the premises; or

(c) to maintain good order at the premises; or

(d) for the proper management of the institution.

(2) A direction under subsection (1) may not be given to an exempt person for the institution.

(3) The direction must state—

(a) the terms of the direction; and

(b) the ground for the direction; and

(c) an outline of the facts and circumstances forming the basis for the ground; and

(d) the time the direction is to remain in force; and

(e) that the directed person may apply to have the direction reviewed by the chief executive—

(i) within 7 days after the directed person is given the direction; or

(ii) if the direction is for less than 7 days—before the direction ends; and

(f) how the directed person may apply to have the direction reviewed.

(4) The direction has no effect until the principal gives it to the directed person.

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

Maximum penalty for subsection (5)—20 penalty units.

338 Review of direction under s 337

(1) This section applies if a person is given a direction under section 337 by a State instructional institution's principal.

(2) The person may apply in writing to the chief executive for a review of the direction, but only—

(a) within 7 days after the person is given the direction; or

(b) if the direction is for less than 7 days—before the direction ends.

(3) The application must—

(a) state in detail the grounds on which the person wants the direction to be reviewed; and

(b) state the person's residential address.

(4) After considering the grounds, the chief executive must make a decision (the ***review decision***) to—

(a) confirm the direction; or

(b) vary the direction; or

(c) cancel the direction.

(5) The chief executive must—

(a) make the review decision within 5 business days after the application is made; and

(b) as soon as practicable after the decision is made—

(i) tell the person and the institution's principal about the decision; and

(ii) give the person written notice of the decision.

(6) If the chief executive does not tell the person about the review decision under subsection (5)(b)(i) within 5 business days after the application is made, the review decision is taken to be that the direction is cancelled.

Not authorised—indicative only

Not authorised—indicative only

Division 4 Directions to leave and not re-enter premises of State instructional institutions for 24 hours

339 Direction to leave and not re-enter

(1) A State instructional institution's principal may give a person (the ***prohibited person***) an oral direction requiring the prohibited person to immediately leave and not re-enter the institution's premises for 24 hours after the time of the direction if the principal reasonably suspects the prohibited person—

(a) has committed, or is about to commit, an offence at the premises; or

(b) has used, or is about to use, threatening, abusive or insulting language towards another person at the premises; or

(c) has engaged, or is about to engage, in threatening or violent behaviour towards another person at the premises; or

(d) has otherwise disrupted, or is about to disrupt, good order at the premises; or

(e) does not have a good and lawful reason to be at the premises.

(2) A direction under subsection (1) may not be given to an exempt person for the institution.

(3) The direction must include—

(a) the terms of the direction; and

(b) the ground for the direction; and

(c) the time during which the prohibited person may not re-enter the premises.

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

Maximum penalty for subsection (4)—20 penalty units.

Division 5 Prohibition from entering premises of State instructional institutions for up to 60 days

340 Prohibition from entering premises

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

(a) to cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the premises; or

(b) to damage the premises or property at the premises; or

(c) to disrupt the good order or management of the institution.

(2) A direction under subsection (1) may not be given to an exempt person for the institution.

(3) The direction must state—

(a) the terms of the direction; and

(b) the ground for the direction; and

(c) an outline of the facts and circumstances forming the basis for the ground; and

(d) the time the direction is to remain in force.

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

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

Not authorised—indicative only

Not authorised—indicative only

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

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

340A Chief executive may prohibit person from entering premises

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

Example—

It would be appropriate for the chief executive to exercise the power if the principal was prevented from doing so by the principles of natural justice relating to bias.

(2) The chief executive may exercise the power.

(3) Section 340 applies as if a reference in that section to the principal were a reference to the chief executive.

Division 6 Prohibition from entering premises of State instructional institutions for more than 60 days, but not more than 1 year

341 Prohibition from entering premises

(1) The chief executive may give a person (the ***prohibited person***) a written direction requiring the prohibited person not to enter the premises of a State instructional institution for more than 60 days, but not more than 1 year, after the day on which the direction is given if the chief executive is reasonably satisfied that, unless the direction is given, the prohibited person is likely to—

(a) cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the premises; or

(b) damage the premises or property at the premises; or

(c) disrupt the good order or management of the institution.

(2) A direction under subsection (1) may not be given to an exempt person for the institution.

(3) The direction must state—

(a) the terms of the direction; and

(b) the ground for the direction; and

(c) an outline of the facts and circumstances forming the basis for the ground; and

(d) the time the direction is to remain in force.

(4) The direction must state the matters mentioned in section 157(2)(a) to (e) of the QCAT Act as if a reference in the section to the decision were a reference to the direction.

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

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

Maximum penalty for subsection (6)—40 penalty units.

Part 6 Directions and orders about conduct or movement at, or entry to, premises of non-State schools

Division 1 Preliminary

343 Definitions for pt 6

In this part—

employee, of a non-State school's governing body, means—

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Not authorised—indicative only

(a) an employee of, or a contractor for, the governing body; or

(b) an employee, or subcontractor, of a contractor mentioned in paragraph (a).

exempt person, for a non-State school, means—

(a) a student of the school; or

(b) an employee of the school's governing body engaged to perform work at the school's premises.

review body, of a non-State school, see section 343A.

343A Meaning of *review body*

(1) In this part, a ***review body*** of a non-State school is—

(a) if the school's governing body has nominated a person to conduct a review—the nominee; or

(b) otherwise—the school's governing body.

(2) For subsection (1)(a), a nominee must not be the school's principal.

Division 2 Powers relating to name and address

344 Person may be required to state name and address

(1) If a non-State school's principal proposes to give a direction under section 346 or 348 to a person at the institution's premises, the principal may require the person to state the person's name and residential address.

(2) When making the requirement under subsection (1), the principal must warn the person it is an offence to fail to state the person's name or residential address, unless the person has a reasonable excuse.

(3) The principal may require the person to give evidence of the correctness of the person's stated name or residential address

if the principal reasonably suspects the stated name or address is false.

(4) A person must comply with a requirement made of the person under subsection (1) or (3), unless the person has a reasonable excuse.

Maximum penalty for subsection (4)—10 penalty units.

Division 3 Directions about conduct or movement at premises of non-State schools

346 Direction about conduct or movement

(1) A non-State school's principal may give a person (the ***directed person***) a written direction about the directed person's conduct or movement at the school's premises for up to 30 days after the day on which the direction is given if the principal is reasonably satisfied it is necessary to give the direction—

(a) to ensure the safety or wellbeing of other persons lawfully at the premises; or

(b) to prevent or minimise damage to the premises or to property at the premises; or

(c) to maintain good order at the premises; or

(d) for the proper management of the school.

(2) A direction under subsection (1) may not be given to an exempt person for the school.

(3) The direction must state—

(a) the terms of the direction; and

(b) the ground for the direction; and

(c) an outline of the facts and circumstances forming the basis for the ground; and

(d) the time the direction is to remain in force; and

Not authorised—indicative only

Not authorised—indicative only

(e) that the directed person may apply to have the direction reviewed by the school's review body—

(i) within 7 days after the directed person is given the direction; or

(ii) if the direction is for less than 7 days—before the direction ends; and

(f) the name and address of the school's review body; and

(g) how the directed person may apply to have the direction reviewed.

(4) The direction has no effect until the principal gives it to the directed person.

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

Maximum penalty for subsection (5)—20 penalty units.

347 Review of direction under s 346

(1) This section applies if a person is given a direction under section 346 by a non-State school's principal.

(2) The person may apply in writing to the school's review body for a review of the direction, but only—

(a) within 7 days after the person is given the direction; or

(b) if the direction is for less than 7 days—before the direction ends.

(3) The application must—

(a) state in detail the grounds on which the person wants the direction to be reviewed; and

(b) state the person's residential address.

(4) After considering the grounds, the review body must make a decision (the ***review decision***) to—

(a) confirm the direction; or

(b) vary the direction; or

(c) cancel the direction.

(5) The review body must—

(a) make the review decision within 5 business days after the application is made; and

(b) as soon as practicable after the decision is made—

(i) tell the person and the school's principal about the decision; and

(ii) give the person written notice of the decision.

(6) If the review body does not tell the person about the review decision under subsection (5)(b)(i) within 5 business days after the application is made, the review decision is taken to be that the direction is cancelled.

Division 4 Directions to leave and not re-enter premises of non-State schools for 24 hours

348 Direction to leave and not re-enter

(1) A non-State school's principal may give a person (the ***prohibited person***) an oral direction requiring the prohibited person to immediately leave and not re-enter the school's premises for 24 hours after the time of the direction if the principal reasonably suspects the prohibited person—

(a) has committed, or is about to commit, an offence at the premises; or

(b) has used, or is about to use, threatening, abusive or insulting language towards another person at the premises; or

(c) has engaged, or is about to engage, in threatening or violent behaviour towards another person at the premises; or

(d) has otherwise disrupted, or is about to disrupt, good order at the premises; or

Not authorised—indicative only

Not authorised—indicative only

(e) does not have a good and lawful reason to be at the premises.

(2) A direction under subsection (1) may not be given to an exempt person for the school.

(3) The direction must include—

(a) the terms of the direction; and

(b) the ground for the direction; and

(c) the time during which the prohibited person may not re-enter the premises.

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

Maximum penalty for subsection (4)—20 penalty units.

Division 5 Prohibition from entering premises of non-State schools for up to 60 days

349 Prohibition from entering premises

(1) A non-State school's principal may give a person (the ***prohibited person***) a written direction requiring the prohibited person not to enter the school's premises for up to 60 days after the day on which the direction is given if the principal is reasonably satisfied that, unless the direction is given, the prohibited person is likely—

(a) to cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the premises; or

(b) to damage the premises or property at the premises; or

(c) to disrupt the good order or management of the school.

(2) A direction under subsection (1) may not be given to an exempt person for the school.

(3) The direction must state—

(a) the terms of the direction; and

(b) the ground for the direction; and

(c) an outline of the facts and circumstances forming the basis for the ground; and

(d) the time the direction is to remain in force.

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

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

Maximum penalty for subsection (5)—30 penalty units.

349A Non-State school's governing body or nominee may prohibit person from entering premises

(1) This section applies if a non-State school's principal, or a non-State school's governing body, reasonably believes it would be appropriate for the governing body, or its nominee for this subsection, to exercise the power to give a person a written direction mentioned in section 349.

Example—

It would be appropriate for the governing body or nominee to exercise the power if the principal was prevented from doing so by the principles of natural justice relating to bias.

(2) The governing body or nominee may exercise the power.

(3) Section 349 applies as if a reference in that section to the principal were a reference to the governing body or nominee.

(4) For subsection (1), a nominee of a non-State school's governing body must not be the school's principal.

349B Review of written direction

(1) This section applies if a person is given a written direction by—

Not authorised—indicative only

Not authorised—indicative only

(a) a non-State school's principal under section 349; or

(b) a non-State school's governing body or its nominee under section 349A.

(2) The person may apply in writing to the school's review body for a review of the direction.

(3) The application must—

(a) be made within 30 school days after the person is given the direction; and

(b) state in detail the grounds on which the person wants the direction to be reviewed; and

(c) state the person's residential address.

(4) The review body may extend the time for making the application.

(5) Within 40 school days after the making of the application, the review body must consider the grounds and make a decision to—

(a) confirm the direction; or

(b) vary the direction; or

(c) cancel the direction.

(6) The review body must make the decision on the material that led to the original direction and any other material the review body considers relevant.

(7) The review body must give the person and the school's principal written notice of the decision.

(8) The written notice must state the matters mentioned in section 157(2)(a) to (e) of the QCAT Act for the decision.

(9) If the written direction was given by the school's governing body or its nominee, the review body must not be the governing body or nominee.

Division 6 Prohibition from entering premises of non-State schools for more than 60 days, but not more than 1 year

350 Prohibition from entering premises

(1) A non-State school's governing body, or its nominee for this subsection, may give a person (the ***prohibited person***) a written direction requiring the prohibited person not to enter the premises of the school for more than 60 days, but not more than 1 year, after the day on which the direction is given if the governing body or nominee is reasonably satisfied that, unless the direction is given, the prohibited person is likely to—

(a) cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the premises; or

(b) damage the premises or property at the premises; or

(c) disrupt the good order or management of the school.

(2) A direction under subsection (1) may not be given to an exempt person for the school.

(3) The direction must state—

(a) the terms of the direction; and

(b) the ground for the direction; and

(c) an outline of the facts and circumstances forming the basis for the ground; and

(d) the time the direction is to remain in force.

(4) The direction must state the matters mentioned in section 157(2)(a) to (e) of the QCAT Act as if a reference in the section to the decision were a reference to the direction.

(5) The direction has no effect until the governing body or nominee gives it to the prohibited person.

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

Not authorised—indicative only

Not authorised—indicative only

Maximum penalty for subsection (6)—40 penalty units.

Part 7 Prohibition from entering premises of all State instructional institutions and non-State schools for up to 1 year

352 Prohibition from entering premises of all State instructional institutions and non-State schools

(1) The chief executive may apply to QCAT for an order prohibiting a person from entering the premises of all State instructional institutions and non-State schools for up to 1 year.

(2) An application under subsection (1) may not be made in relation to a person who is a student of a State instructional institution or non-State school.

(3) QCAT may make the order if QCAT is satisfied, on the balance of probabilities, that the person poses an unacceptable risk to the safety or wellbeing of members of school communities in general.

353 Prohibition from entering premises of all State instructional institutions

(1) The chief executive may apply to QCAT for an order prohibiting a person from entering the premises of all State instructional institutions for up to 1 year.

(2) An application under subsection (1) may not be made in relation to a person who is a student of a State instructional institution.

(3) QCAT may make the order if QCAT is satisfied, on the balance of probabilities, that the person poses an unacceptable

risk to the safety or wellbeing of members of school communities of the institutions in general.

Part 8 Provisions relating to parts 5 to 7

355 Non-application of pts 5 and 6 to particular persons

Parts 5 and 6 do not apply to a person in relation to the exercise by the person of the person's powers under an Act at the premises of a State instructional institution or non-State school.

356 Notification of application or direction

(1) Subsection (2) applies if an application is made under section 352 or 353 in relation to a child.

(2) The applicant must, as soon as practicable after making the application, give a parent of the child notice of the application, unless a parent can not be found after reasonable inquiry.

(3) Subsection (4) applies if a direction is given under section 340, 341, 349 or 350 to a child.

(4) The person who gives the direction must, as soon as practicable after giving the direction, give a parent of the child notice of the direction, unless a parent can not be found after reasonable inquiry.

(5) In this section—

parent, of a child, includes someone who is apparently a parent of the child.

357 Noncompliance with QCAT order

A person who does not comply with an order of QCAT under section 352 or 353 commits an offence.

Not authorised—indicative only

Not authorised—indicative only

Maximum penalty—40 penalty units or 1 year's imprisonment.

358 Annual report of department to include report on various matters

(1) In the department's annual report for a financial year, the chief executive must include details of—

(a) the number of directions given during the financial year under each of sections 337, 339, 340 and 341, including the number given to children; and

(b) the number of orders made during the financial year under each of sections 352 and 353, including the number made in relation to children; and

(c) the number of applications made during the financial year under section 338, including the number made by children; and

(d) the number of directions confirmed during the financial year under section 338, including the number of the directions that had been given to children; and

(e) the number of directions varied or cancelled during the financial year under section 338, including the number of the directions that had been given to children.

(2) Also, in the annual report, the chief executive must include the information obtained by the Minister under section 359 for the financial year.

359 Non-State school's governing body to give particular information to Minister

A non-State school's governing body must, within 2 months after the end of a financial year, give the following information to the Minister—

(a) the number of directions, relating to the school, given during the financial year under each of sections 346,

348, 349 and 350, including the number given to children;

(b) the number of applications, relating to the school, made during the financial year under each of sections 347 and 349B, including the number made by children;

(c) the number of directions, relating to the school, confirmed during the financial year under each of sections 347 and 349B, including the number of the directions that had been given to children;

(d) the number of directions, relating to the school, varied or cancelled during the financial year under each of sections 347 and 349B, including the number of the directions that had been given to children.

Part 9 Dress code

360 Development of dress code

(1) A State school's principal may develop a dress code for the school's students that is to apply when the students are attending, or representing, the school.

(2) The dress code may provide for the following—

(a) standards of what is acceptable in relation to the clothing worn by the students, including headwear and footwear;

(b) standards of what is acceptable in relation to other aspects of the personal presentation of the students.

(3) 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.

(4) In developing the dress code, the principal must consult with the following persons—

(a) the parents of children enrolled at the school;

Not authorised—indicative only

Not authorised—indicative only

(b) the school's staff and students.

(5) Also, in developing the dress code, the principal must ensure the dress code is consistent with any guidelines made under section 361.

361 Guidelines for dress code

(1) The chief executive may make guidelines about dress codes for State schools.

(2) Issues that may be addressed by a guideline include the following—

(a) the scope of operation of a dress code;

(b) the extent of consultation to be undertaken by a State school's principal when developing a dress code;

(c) the issues to be considered in the development of a dress code, including, for example—

(i) the availability and affordability of items of clothing; and

(ii) the functionality of items of clothing; and

(iii) health and safety issues; and

(iv) anti-discrimination issues; and

(v) the process to be followed in dealing with the special circumstances of particular students;

(d) the consistency of a dress code with other Acts or laws;

(e) the consistency of a dress code with government policies;

(f) the ongoing monitoring of the operation of a dress code.

(3) A guideline may be amended or replaced by a later guideline made under this section.

(4) A guideline must be made available to each principal of a State school.

362 Noncompliance with dress code

(1) This section applies if a student of a State school does not comply with a dress code for the school's students.

(2) The noncompliance can not be a ground for any of the following—

(a) suspending the student under part 3, division 2;

(b) excluding the student under part 3, division 3 or 4;

(c) cancelling the student's enrolment under part 3, division 8.

363 Dress code to be available for inspection

(1) A State school's principal must keep an up-to-date copy of a dress code for the school's students developed under section 360 available for inspection, free of charge, by interested persons at the school's administration office.

(2) The plan may be made available in written or electronic form.

Part 10 Reporting of sexual abuse

364 Definitions for pt 10

In this part—

director, of a non-State school's governing body, means a director of the governing body within the meaning of the *Education (Accreditation of Non-State Schools) Act 2017*, section 9.

employee, of a State school, means a person engaged to carry out work at the school for financial reward.

relevant person means a person mentioned in section 365(1)(a) to (c), 365A(1)(a) to (c), 366(1)(a) or (b) or 366A(1)(a) or (b).

Not authorised—indicative only

Not authorised—indicative only

sexual abuse, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances—

(a) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;

(b) the relevant person has less power than the other person;

(c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

365 Obligation to report sexual abuse of person under 18 years at State school

(1) Subsection (2) applies if a staff member of a State school (the ***first person***) becomes aware, or reasonably suspects, in the course of the staff member's employment at the school, that any of the following has been sexually abused by another person—

(a) a student under 18 years attending the school;

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

(c) a person with a disability who—

(i) under section 420(2), is being provided with special education at the school; and

(ii) is not enrolled in the preparatory year at the school.

(2) The first person must give a written report about the abuse, or suspected abuse, to the school's principal or the principal's supervisor—

(a) immediately; and

(b) if a regulation is in force under subsection (3), as provided under the regulation.

Maximum penalty—20 penalty units.

(2A) However, if the first person is the school's principal, the principal must give a written report about the abuse, or suspected abuse, to a police officer—

(a) immediately; and

(b) if a regulation is in force under subsection (3), as provided under the regulation.

Maximum penalty—20 penalty units.

(3) A regulation may prescribe the particulars the report must include.

(4) A State school's principal or a principal's supervisor must immediately give a copy of a report given to the principal or supervisor under subsection (2) to a police officer.

Maximum penalty—20 penalty units.

(4A) Subsection (5) applies if the report is about abuse by an employee of a State school.

(5) The principal or principal's supervisor must also immediately give a copy of the report to a person nominated by the chief executive for the purpose (the ***chief executive's nominee***).

Maximum penalty—20 penalty units.

(6) A person who makes a report under subsection (2) or (2A), or gives a copy of a report under subsection (4) or (5), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.

(7) Without limiting subsection (6)—

(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.

Not authorised—indicative only

Not authorised—indicative only

365A Obligation to report likely sexual abuse of person under 18 years at State school

(1) Subsection (2) applies if a staff member of a State school (the ***first person***) reasonably suspects, in the course of the staff member's employment at the school, that any of the following is likely to be sexually abused by another person—

(a) a student under 18 years attending the school;

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

(c) a person with a disability who—

(i) under section 420(2), is being provided with special education at the school; and

(ii) is not enrolled in the preparatory year at the school.

(2) The first person must give a written report about the first person's suspicion to the school's principal or the principal's supervisor—

(a) immediately; and

(b) if a regulation is in force under subsection (4), as provided under the regulation.

(3) However, if the first person is the school's principal, the principal must give a written report about the suspicion to a police officer—

(a) immediately; and

(b) if a regulation is in force under subsection (4), as provided under the regulation.

(4) A regulation may prescribe the particulars the report must include.

(5) A State school's principal or a principal's supervisor must immediately give a copy of a report given to the principal or supervisor under subsection (2) to a police officer.

(6) Subsection (7) applies if the report is about a suspicion of likely abuse by an employee of a State school.

(7) The principal or principal's supervisor must also immediately give a copy of the report to a person nominated by the chief executive for the purpose (the ***chief executive's nominee***).

(8) A person who makes a report under subsection (2) or (3), or gives a copy of a report under subsection (5) or (7), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.

(9) Without limiting subsection (8)—

(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.

(10) To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person omits to do an act required under this section.

366 Obligation to report sexual abuse of person under 18 years at non-State school

(1) Subsection (2) applies if a staff member of a non-State school (the ***first person***) becomes aware, or reasonably suspects, in the course of the staff member's employment at the school, that any of the following has been sexually abused by another person—

(a) a student under 18 years attending the school;

(b) a person with a disability who—

(i) under section 420(2), is being provided with special education at the school; and

(ii) is not enrolled in the preparatory year at the school.

(2) The first person must give a written report about the abuse, or suspected abuse, to the school's principal or a director of the school's governing body—

Not authorised—indicative only

Not authorised—indicative only

(a) immediately; and

(b) if a regulation is in force under subsection (3), as provided under the regulation.

Maximum penalty—20 penalty units.

(2A) However, if the first person is the school's principal, the principal must give a written report about the abuse, or suspected abuse, to a police officer—

(a) immediately; and

(b) if a regulation is in force under subsection (3), as provided under the regulation.

Maximum penalty—20 penalty units.

(2B) If subsection (2A) applies, the principal must also immediately give a copy of the report to a director of the school's governing body.

Maximum penalty—20 penalty units.

(3) A regulation may prescribe the particulars the report must include.

(4) A non-State school's principal or a director of a non-State school's governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.

Maximum penalty—20 penalty units.

(5) A person who makes a report under subsection (2) or (2A), or gives a copy of a report under subsection (2B) or (4), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.

(6) Without limiting subsection (5)—

(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the given information under an

Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.

366A Obligation to report likely sexual abuse of person under 18 years at non-State school

(1) Subsection (2) applies if a staff member of a non-State school (the ***first person***) reasonably suspects, in the course of the staff member's employment at the school, that any of the following is likely to be sexually abused by another person—

(a) a student under 18 years attending the school;

(b) a person with a disability who—

(i) under section 420(2), is being provided with special education at the school; and

(ii) is not enrolled in the preparatory year at the school.

(2) The first person must give a written report about the first person's suspicion to the school's principal or a director of the school's governing body—

(a) immediately; and

(b) if a regulation is in force under subsection (5), as provided under the regulation.

(3) However, if the first person is the school's principal, the principal must give a written report about the suspicion to a police officer—

(a) immediately; and

(b) if a regulation is in force under subsection (5), as provided under the regulation.

(4) If subsection (3) applies, the principal must also immediately give a copy of the report to a director of the school's governing body.

(5) A regulation may prescribe the particulars the report must include.

(6) A non-State school's principal or a director of a non-State school's governing body must immediately give a copy of a

Not authorised—indicative only

Not authorised—indicative only

report given to the principal or director under subsection (2) to a police officer.

(7) A person who makes a report under subsection (2) or (3), or gives a copy of a report under subsection (4) or (6), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.

(8) Without limiting subsection (7)—

(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice—the person does not contravene the requirement by giving the information.

(9) To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person omits to do an act required under this section.

366B Delegation of director's reporting function under s 366 or 366A

(1) Subsection (2) applies if a non-State school's governing body has only one director.

(2) The director may delegate, to an appropriately qualified individual, the director's function.

(3) Subsection (4) applies if a non-State school's governing body has more than one director.

(4) All of the directors may, by unanimous resolution, delegate the directors' function to an appropriately qualified individual.

(4A) However, the director or directors must not delegate the function to the principal or any other staff member of the non-State school.

(5) If a delegate commits an offence against section 366(4), the delegator also commits the offence.

(6) However, it is a defence for the delegator to prove the delegator took all reasonable steps to ensure the delegate complied with the section.

(7) In this section—

function, of a director of a non-State school's governing body, means the director's function of receiving a report and giving a copy of the report to a police officer under section 366 or 366A.

Chapter 13 Schools in receipt of subsidy

Part 1 Preliminary

367 Definitions for ch 13

In this chapter—

allowance includes a grant, subsidy or supplement.

approved policy means a policy approved by the Minister under section 369.

overpayment means an amount, or part of an amount, paid to the governing body of a non-State school under section 368(1)(b) to which the governing body was not entitled under an approved policy.

Part 2 Scholarships and allowances

368 Provision of scholarships and payment of allowances

(1) The Minister may, under an approved policy—

Not authorised—indicative only

Not authorised—indicative only

(a) provide scholarships to be competed for by prospective students, or students, of a school in receipt of subsidy; or

(b) pay an allowance to the governing body of a non-State school in receipt of subsidy for its use in the operation of the school; or

(c) pay an allowance to a person to offset the person's costs in attending a State school or non-State school; or

(d) pay an allowance to a person to offset the person's costs in receiving home education under chapter 9, part 5; or

(e) pay an allowance to a person operating a student hostel to defray the costs of operating the hostel; or

(f) pay an allowance or subsidy to a person to offset the person's costs in participating in a distance education kindergarten learning program under chapter 19, part 1A.

Example of costs that may be offset for paragraph (f)—

computer hardware, internet or phone expenses

(2) An allowance paid to the governing body of a non-State school under subsection (1)(b) is subject to a condition that the governing body must repay an overpayment to the State in accordance with an approved policy.

(2A) The Minister may pay an allowance under subsection (1)(b) on any other reasonable conditions the Minister considers appropriate.

(2B) If an overpayment is made to a governing body, the amount of the overpayment is a debt owed by the governing body to the State and may be recovered from the governing body by the chief executive.

(3) In this section—

student hostel means a hostel for the accommodation of students attending a school in receipt of subsidy.

369 Minister's policy

(1) The Minister may approve a policy about the following—

(a) the criteria to be satisfied for the provision of a scholarship, or payment of an allowance, under section 368;

(b) the basis for calculating the amount of the scholarship or allowance;

(c) how a person may apply to the Minister for the scholarship or allowance;

(d) how to deal with an amount the Minister considers is an overpayment, including—

(i) a thing required to be done by an overpaid governing body in relation to repaying the overpayment to the State; and

(ii) a process to be followed by the State to recover an overpayment from an overpaid governing body.

(2) The chief executive must keep a copy of a policy approved under subsection (1) available for inspection and permit a person—

(a) to inspect the policy without fee; and

(b) to take extracts from the policy without fee.

(3) For subsection (2)—

(a) a copy of the policy—

(i) must be kept at the head office of the department; and

(ii) may be kept at any other place the chief executive considers appropriate; and

(b) the copy kept under paragraph (a) must be available for inspection during office hours on business days for the office or place.

(4) Also, the chief executive must keep a copy of a policy approved under subsection (1) available for supply to a person

Not authorised—indicative only

Not authorised—indicative only

and permit a person to obtain a copy of the policy, or a part of the policy, without fee.

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

369A Arrangements with funded entities

(1) This section applies if—

(a) the Commonwealth Minister makes a determination under the Commonwealth Act, section 110(1)(a) that the State must pay to the Commonwealth a specified amount; and

(b) the Commonwealth Minister makes the determination mentioned in paragraph (a) as a result of—

(i) non-compliance or a breach mentioned in the Commonwealth Act, section 108 by a funded entity; or

(ii) a payment mentioned in the Commonwealth Act, section 109 made to the State for a funded entity.

(2) The purpose of this section is to provide for an arrangement between the State and the funded entity for the purposes of the *Australian Education Regulation 2013* (Cwlth), section 11(2).

(3) An arrangement is taken to be in place between the State and the funded entity providing that the amount mentioned in subsection (1)(a)—

(a) is a debt owing to the State by the funded entity; and

(b) may be recovered by the State from the funded entity as a debt.

(4) In this section—

Commonwealth Act means the *Australian Education Act 2013* (Cwlth).

Commonwealth Minister means the Minister of the Commonwealth administering the Commonwealth Act.

funded entity means an authority or body mentioned in the Commonwealth Act, section 108.

Part 3 Financial data

370 Requirement to give financial data

(1) The purpose of this section is to enable the Minister to obtain information in relation to a non-State school in receipt of subsidy for deciding the amount of an allowance payable under section 368(1)(b).

(2) The governing body of a non-State school in receipt of subsidy must on or before the day prescribed under a regulation give the Minister financial data, for the school, relating to the previous year of operation of the school.

(3) The data must be provided in the approved form.

(4) The source of the data must be the audited financial statements for the school's governing body for the relevant year.

(5) Subsection (1) does not limit the matters the Minister may have regard to in deciding the amount of an allowance payable under section 368(1)(b).

(6) Subsection (2) does not apply if the school has been in operation for less than the whole of the relevant year.

(7) If the governing body does not comply with this section, the noncompliance is a ground for suspending payment of the allowance.

371 Further information or documents relating to financial data

(1) This section applies to the governing body of a non-State school that has given financial data for the school to the Minister under section 370.

Not authorised—indicative only

Not authorised—indicative only

(2) The Minister may by notice given to the governing body require it to give the Minister, within a reasonable time of at least 28 days stated in the notice, further information or a document the Minister reasonably requires about the data.

(3) The governing body must comply with the requirement within the stated time.

372 False or misleading information or documents

(1) A school's governing body must not under section 370 or 371 give information to the Minister the governing body knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

(2) A non-State school's governing body must not under section 370 or 371 give the Minister a document containing information the governing body knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

(3) Subsection (2) does not apply to a school's governing body if the governing body, when giving the document—

(a) tells the Minister, to the best of the governing body's ability, how it is false or misleading; and

(b) if the governing body has, or can reasonably obtain, the correct information—gives the correct information.

373 Confidentiality of financial data

(1) This section applies to the following persons—

(a) a person who is, or was, the Minister;

(b) another person who is, or was, involved in the administration of this part, including, for example, as a public service employee.

(2) The person must not disclose protected information to anyone else.

Maximum penalty—50 penalty units.

(3) Subsection (2) does not apply if—

(a) the information is disclosed—

(i) in the performance of functions under this part; or

(ii) under section 425A; or

(iii) with the written consent of the governing body of the school to which the information relates; or

(b) the information is otherwise publicly available; or

(c) the disclosure of the information is permitted or required under an Act or other law.

(4) In this section—

protected information means information disclosed to, or obtained by, a person to whom this section applies under section 370 or 371.

Part 4 Giving of allowance acquittal details

374 Allowance acquittal details

(1) This section applies to a non-State school for which an allowance is being paid under section 368(1)(b).

(2) Within 6 months after the end of each year, the school's governing body must, in the approved form, give the Minister allowance acquittal details for the school for the year.

(2A) The governing body must ensure the allowance acquittal details for the school for the year are approved by an accountant.

(3) Without limiting subsection (2), the governing body is taken to comply with subsection (2) if the details are given to the Minister, on the governing body's behalf, by an authorised nominee of the governing body.

Not authorised—indicative only

Not authorised—indicative only

(4) If the governing body does not comply with this section, the noncompliance is a ground for suspending payment of the allowance.

(5) In this section—

accountant means—

(a) a member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA'; or

(b) a member of The Institute of Chartered Accountants in Australia who is entitled to use the letters 'CA' or 'FCA'; or

(c) a member of the Institute of Public Accountants who is entitled to use the words 'MIPA' or 'FIPA'.

375 Minister may suspend allowances

(1) This section applies if the Minister believes a ground mentioned in section 370(7) or 374(4) exists for suspending payment of the allowance.

(2) The Minister must decide whether payment of the allowance should be suspended.

(3) If the Minister decides that payment of the allowance should be suspended, the Minister must as soon as practicable give the board and governing body notice of the decision and reasons for the decision.

(4) The notice must state the day from which the suspension starts.

376 Minister must pay suspended allowances if allowance acquittal details given

(1) This section applies if—

(a) the Minister suspends payment of an allowance to a governing body under section 375; and

(b) after the payment is suspended, the governing body gives the Minister the financial data or allowance

acquittal details relating to the ground for suspending payment of the allowance.

(2) The Minister must pay the governing body the amount of the allowance that was not paid because of the suspension.

Part 5 Other provisions

382 False or misleading statement

(1) A person must not, for the purpose of obtaining a scholarship or allowance mentioned in section 368(1), give information to the Minister or chief executive the person knows is false or misleading in a material particular.

Maximum penalty—5 penalty units.

(2) A person must not, for the purpose of obtaining a scholarship or allowance mentioned in section 368(1), give the Minister or chief executive a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—5 penalty units.

(3) In giving the Minister the allowance acquittal details for a non-State school, a person must not give information the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

(4) In giving the Minister the allowance acquittal details for a non-State school, a person must not give a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

(5) Subsections (2) and (4) do not apply to a person if the person, when giving the document—

(a) tells the Minister or chief executive, to the best of the person's ability, how it is false or misleading; and

Not authorised—indicative only

Not authorised—indicative only

(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

Chapter 14 Transfer notes and related matters

Part 1 Preliminary

383 Definitions for chapter

In this chapter—

former student see sections 385(1)(a) and 386(1)(c).

related document, in relation to a transfer note, means a document mentioned in the transfer note.

transfer note, for a student or former student of a State school or non-State school, see section 384.

384 Meaning of *transfer note*

(1) A ***transfer note***, 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—

(a) information of a type prescribed by regulation;

(b) any information required to be included under section 388C(2).

(2) The information included in a transfer note must be factual, objective and succinct.

(3) In this section—

personal information see section 426(6).

Part 2 Transfer notes and transfer of records

Division 1 Requests for transfer notes on cessation of enrolment

385 Request by parent of former student or former student

(1) This section applies if—

(a) the enrolment of a student (the ***former student***) at a State school or non-State school is ceased at the request of—

(i) if the student is a child—a parent of the student; or

(ii) if the student is an adult—the student; and

(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.

(2) The principal of the school must, within 10 school days after receiving the request—

(a) prepare a transfer note for the former student; and

(b) give the person making the request the transfer note and a copy of any related documents.

386 Request by former student in particular circumstances

(1) This section applies if—

(a) a student of a State school or non-State school is a child; and

(b) the principal of the school is reasonably satisfied it would be inappropriate in the circumstances for a parent of the student to—

(i) request that the student's enrolment cease; or

Not authorised—indicative only

Not authorised—indicative only

(ii) receive a transfer note for the student and a copy of any related documents; and

Example—

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.

(c) the enrolment of the student (the ***former student***) is ceased at the request of the student; and

(d) when the request to cease the enrolment is made, the former student asks the principal for a transfer note for the student.

(2) The principal of the school must, within 10 school days after receiving the request—

(a) prepare a transfer note for the former student; and

(b) give the former student the transfer note and a copy of any related documents.

Division 2 Requests for transfer notes after enrolment at new school

387 Purpose of division

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—

(a) ensure continuity of the student's educational program; and

(b) meet the principal's duty of care obligations in relation to the following persons—

(i) the student;

(ii) the members of the school community.

388 Application of division

This division applies if—

(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 principal of the new school must give notice of the request to—

(a) if the student is a child—a parent of the student; or

Not authorised—indicative only

Not authorised—indicative only

(b) if the student is an adult—the student.

(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—

(a) subsection (2)(a) does not apply; and

(b) the principal must give notice of the request to the student.

Example—

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.

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

(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—

(a) prepare a transfer note for the student; and

(b) give the principal of the new school the transfer note and a copy of any related documents.

(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—

(a) the student;

(b) the members of the school community.

388D Principal of new school to give copy of transfer note

(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.

(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—

(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;

(b) the day the principal of the new school receives the request under subsection (1).

Division 3 Transfer of records between State schools

388E Transfer of records not prevented

(1) This section applies if—

(a) the enrolment of a student at a State school (the ***first school***) has ceased; and

(b) the student is enrolled at another State school (the ***second school***).

(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.

Part 3 Protection from liability

389 Protection from liability

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

Not authorised—indicative only

Not authorised—indicative only

Note—

For protection from civil liability in relation to a State school's principal—see the *Public Sector Act 2022*, section 269.

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

Chapter 15 Internal and external reviews

Part 1 Internal reviews of decisions by chief executive

390 Who may apply for review

A person who is given, or is entitled to be given, an information notice for a decision (the ***original decision***) and who is dissatisfied with the decision may apply to the chief executive for a review of the decision.

391 Application for review

(1) The application must be made—

(a) if the person is given an information notice about the decision—

(i) for a decision made under chapter 9, part 5—within 45 days after the person is given the notice; or

(ii) for another decision—within 30 school days after the person is given the notice; or

(b) otherwise—

(i) for a decision under chapter 9, part 5—within 45 days after the person becomes aware of the decision; or

(ii) for another decision—within 30 school days after the person becomes aware of the decision.

(2) The chief executive may extend the time for making the application.

(3) The application must be in the approved form and supported by enough information to enable the chief executive to decide the application.

392 Review decision

(1) Unless the chief executive made the original decision personally, the chief executive must ensure the application is not dealt with by—

(a) the person who made the original decision; or

(b) a person in a less senior office in the department than the person who made the original decision.

(2) The chief executive must review the original decision and make a review decision—

(a) if the application relates to an original decision made under chapter 9, part 5—within 60 days after the application is made; or

(b) otherwise—within 40 school days after the application is made.

(3) The chief executive must make the review decision on the material that led to the original decision and any other material the chief executive considers relevant.

(4) The chief executive must, as soon as practicable after making the review decision, give the applicant notice of the review decision.

Not authorised—indicative only

Not authorised—indicative only

(5) If the review decision is not the decision sought by the applicant, the notice must comply with the QCAT Act, section 157(2).

(6) In this section—

review decision, in relation to an original decision, means a decision—

(a) confirming the original decision; or

(b) amending the original decision; or

(c) substituting another decision for the original decision.

Part 2 External reviews by QCAT

393 Application of pt 2

This part applies if the chief executive makes a review decision and the applicant is dissatisfied with the review decision.

394 External review by QCAT

The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.

Part 3 External reviews of particular directions and decision

397 Who may apply for external review

(1) A person who is given a direction under section 341 or 350 may apply to QCAT for a review of the direction.

(2) A person who is given written notice of a decision under section 349B may apply to QCAT for a review of the decision.

398 Starting an external review

The application under section 397 must be made as provided under the QCAT Act.

Part 4 External review of decision under section 72, 154, 302(4) or 309(2)

401 Definition for pt 4

In this part—

aggrieved person means—

(a) a student aggrieved by the chief executive's decision under section 72, other than a student to whom section 72(3)(b)(i) applies; or

(b) a student aggrieved by the chief executive's decision under section 302(4) or 309(2) to exclude the student from all State schools; or

(c) a person who made a submission to the Minister about the person's removal from an association and who is aggrieved by the Minister's decision under section 154.

402 Review

An aggrieved person may apply, as provided under the QCAT Act, to QCAT for a review of the decision about which the person is aggrieved.

Not authorised—indicative only

Not authorised—indicative only

Chapter 16 Legal proceedings

Part 1 Evidence

403 Application of pt 1

This part applies to a proceeding under this Act.

404 Definition for pt 1

In this part—

authorised officer means a person who is an authorised officer under section 178(6) or 241(6).

405 Appointments and authority

It is not necessary to prove the appointment of the chief executive or an authorised officer, or the authority of the chief executive or an authorised officer to do anything under this Act, unless a party to a proceeding under this Act, by reasonable notice, requires proof of the appointment or authority.

406 Signatures

A signature purporting to be the signature of the chief executive or an authorised officer is evidence of the signature it purports to be.

407 Other evidentiary aids

(1) A certificate purporting to be signed by the chief executive and stating any of the following matters is evidence of the matter—

(a) a stated document is—

(i) an approval, decision or requirement made under this Act; or

(ii) an exemption granted under section 185; or

(iii) an exemption granted under section 244; or

(iv) a notice given under this Act;

(b) a stated document is a copy of a document mentioned in paragraph (a);

(c) on a stated day, or during a stated period, an authorisation as an authorised officer was, or was not, in force for a stated person;

(d) on a stated day, or during a stated period, an exemption granted under section 185 for a stated child was, or was not, in force;

(e) on a stated day, or during a stated period, an exemption granted under section 244 for a stated young person was, or was not, in force;

(f) on a stated day, a stated person was given a stated notice under this Act;

(g) on a stated day, a stated requirement was made of a stated person;

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

(i) a State educational institution; or

(ii) a State instructional institution; or

(iii) a State school.

(2) In a proceeding for an offence against section 176(1)—

(a) a certificate purporting to be signed by a State school's, or non-State school's, principal—

(i) that a stated child is, or is not, enrolled at the school; or

(ii) stating the details of attendance of a stated child at the school;

Not authorised—indicative only

Not authorised—indicative only

is evidence of the matter; and

(b) a certificate purporting to be signed by the chief executive that the chief executive consents to the bringing of the proceeding is evidence of the consent; and

(c) a statement in a complaint that a child was of compulsory school age at the time of the offence is evidence of the matter.

(3) A certificate purporting to be signed by a non-State school's principal and stating any of the following matters is evidence of the matter—

(a) a stated document is an exemption granted by the principal under section 185A or 244A;

(b) a stated document is a copy of a document mentioned in paragraph (a);

(c) on a stated day, or during a stated period, an exemption granted by the principal under section 185A for a stated child was, or was not, in force;

(d) on a stated day, or during a stated period, an exemption granted by the principal under section 244A for a stated young person was, or was not, in force.

Part 2 Offence proceedings

408 Summary proceedings for offences

(1) A proceeding for an offence against this Act must be taken in a summary way under the *Justices Act 1886*.

(2) The proceeding must start within the later of the following periods to end—

(a) 1 year after the commission of the offence;

(b) 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

409 Statements at start of proceedings

(1) In a complaint starting a proceeding for an offence against this Act, a statement 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.

(2) In a proceeding for an offence against this Act defined as involving false or misleading information, or a false or misleading document, it is enough for a charge to state that the information or document was, without specifying which, 'false or misleading'.

410 Evidence of chief executive's consent

A certificate, purporting to be signed by the chief executive, that the chief executive consents to the bringing of proceedings for an offence against section 239(1) is evidence of the consent.

Chapter 17 Minister's powers

411 Power of Minister to be member of entity

(1) The Minister, or a person authorised by the Minister for this section, may by invitation from or agreement with an entity—

(a) be a member of the entity if—

(i) its objects include education, research or any other matter associated with the process of learning or teaching (the ***relevant objects***); or

(ii) in the opinion of the Minister, it is engaged in the promotion of education; and

(b) enter into an agreement with an entity whose objects include the relevant objects, in relation to the objects.

Not authorised—indicative only

(2) If the Minister is a member of an entity under subsection (1)(a), the Minister may be a member of the governing body of the entity.

(3) The Minister may incur any expenses, or pay any contributions, that membership of an entity under subsection (1) requires.

412 Establishment of advisory committees

The Minister may establish advisory committees to advise the Minister on any aspect of education.

413 Forming or establishing entities for furthering education

(1) The Minister may form or establish, or participate in the forming or establishing of, an entity for any purpose that may directly or indirectly further education in any way.

(2) An entity formed or established under subsection (1) is a statutory body under the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*.

(3) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the powers under this Act of an entity formed or established under subsection (1) are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

Not authorised—indicative only

Chapter 19 Miscellaneous

Part 1 State school kindergarten program

Division 1 Approval of program by Minister and enrolment of kindergarten students

419A State school kindergarten program

(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 ***State school kindergarten program***.

(2) The State may provide a State school kindergarten program to kindergarten age children at a State school prescribed by regulation (a ***prescribed State school***).

(3) In this section—

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.

Not authorised—indicative only

Not authorised—indicative only

(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.

Maximum penalty—65 penalty units.

419D Kindergarten students must be protected from harm and hazards

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.

Maximum penalty—65 penalty units.

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

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

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

(b) the Education and Care Services National Law.

(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.

Maximum penalty—100 penalty units.

(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.

(4) In this section—

Education and Care Services National Law means the Education and Care Services National Law—

(a) as in force from time to time, set out in the schedule to the *Education and Care Services National Law Act 2010* (Vic); and

(b) as it applies as a law of Queensland or another State, with or without modification.

419DB Guideline about standards for providing State school kindergarten programs

(1) The chief executive must make a guideline about the standards that apply in relation to providing a State school kindergarten program at a prescribed State school.

(2) In making the guideline, the chief executive must have regard to the matters provided for in the National Quality Standard under the Education and Care Services National Law (Queensland).

Not authorised—indicative only

Not authorised—indicative only

(3) The guideline must provide for the review and assessment, by the chief executive, of a State school kindergarten program provided at a prescribed State school against the standards set out in the guideline—

(a) to ensure the program being provided at the school is meeting the standards; and

(b) to identify ways the program being provided at the school could be improved.

(4) The chief executive must ensure the guideline is available for public inspection, without charge—

(a) during normal business hours at the department's head office; and

(b) on the department's website.

419DC Policies for State school kindergarten programs

(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.

(2) Without limiting subsection (1), the policy may contain requirements about the following—

(a) providing a physical environment that is safe for kindergarten students;

(b) ensuring kindergarten students are given safe and sufficient opportunities for sleep and rest;

(c) ensuring the drop-off and collection of kindergarten students from the school premises are conducted safely.

(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.

(4) The chief executive must ensure a policy made under this section is available for public inspection, without charge—

(a) during normal business hours at the department's head office; and

(b) on the department's website.

419DD Collection, use and disclosure of URL data

(1) The chief executive may collect URL data for use and disclosure under this section.

(2) The chief executive may use URL data for—

(a) planning for, monitoring outcomes of, and reporting on, early childhood initiatives; and

(b) preparing the data for disclosure under subsection (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.

(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.

(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.

(6) In this section—

disability includes a condition attributable to—

(a) a physical, intellectual, hearing, vision or speech-language impairment, or a developmental delay; or

(b) an autistic spectrum disorder; or

(c) a combination of impairments mentioned in paragraph (a), a developmental delay or an autistic spectrum disorder.

early childhood data agreement means the agreement between the Commonwealth and the States called the 'National information agreement on early childhood

Not authorised—indicative only

Not authorised—indicative only

education and care', signed on behalf of the Queensland Government by the chief executive on 19 February 2010.

health practitioner means a person registered under the Health Practitioner Regulation National Law to practise a health profession.

prescribed entity means—

(a) the Australian Bureau of Statistics; or

(b) the Australian Institute of Health and Welfare established under the *Australian Institute of Health and Welfare Act 1987* (Cwlth).

URL data means—

(a) the following information about a kindergarten student—

(i) the student's name, date of birth and gender;

(ii) the address of the student's primary residence;

(iii) whether the student or a parent of the student is an Aboriginal person or a Torres Strait Islander person;

(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;

(v) whether the student, or a parent of the student, holds a health care card under the *Social Security Act 1991* (Cwlth);

(vi) whether the student—

(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

(B) needs additional assistance because of the disability or medical condition;

(vii) the number of hours that the student attended a State school kindergarten program during a particular period;

(viii) other information about the student that is prescribed by regulation; or

(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—

(i) the staff member's name;

(ii) if a qualification in early childhood studies or child care studies is held by the staff member—

(A) the name of the qualification; and

(B) the date on which the qualification was issued; and

(C) the institution that issued the qualification;

(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;

(iv) whether the staff member is an Aboriginal person or a Torres Strait Islander person;

(v) if the primary language of the staff member is not English—the primary language of the staff member;

(vi) other information about the staff member that is prescribed by regulation.

Not authorised—indicative only

Not authorised—indicative only

Part 1A Distance education kindergarten learning program

419E Distance education kindergarten learning program

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 distance education kindergarten learning program for a State school providing distance education.

419F Registration in programs

(1) A parent of a kindergarten age child may apply to register the child in a distance education kindergarten learning program provided by a State school.

(2) The application must be made, in the approved form, to the principal of the school.

(3) The principal may grant the application if satisfied—

(a) the child is—

(i) an Australian citizen or permanent resident; or

(ii) a child of an Australian citizen or permanent resident; and

(b) the child—

(i) lives, in the child's principal place of residence, at least 16km by the most direct route by road from the nearest relevant kindergarten; or

(ii) has medical grounds for needing distance education; or

(iii) has an itinerant lifestyle.

(4) For subsection (3)(b)(ii), the child has medical grounds for needing distance education only if—

(a) the child has 1 or more medical certificates stating that the child is unable to attend a centre-based service for a period during the child's registration year due to the child's state of health; and

(b) the total period the child is unable to attend a centre-based service under all medical certificates mentioned in paragraph (a) is more than 10 weeks.

(5) For subsection (3)(b)(iii), the child has an itinerant lifestyle only if, because of the nature of the occupation of a parent of the child—

(a) the child's principal place of residence is likely to change at least twice during the registration year; or

(b) the child will have to spend a period of at least 10 weeks, or a number of periods of at least 2 weeks that total at least 10 weeks, away from the child's principal place of residence during the registration year.

Example of an occupation for subsection (4)—

carnival worker, contract harvester or shearer

(6) The principal must give the applicant a notice of the principal's decision to grant or refuse to grant the application.

(7) If the decision is to refuse to grant the application, the notice must include the principal's reasons for the decision.

(8) In this section—

approved kindergarten program means a program provided by a centre-based service for which the service receives kindergarten program funding from the department.

centre-based service means an education and care service other than a family day care service.

education and care service see the Education and Care Services National Law (Queensland), section 5(1).

family day care service see the Education and Care Services National Law (Queensland), section 5(1).

Not authorised—indicative only

Not authorised—indicative only

kindergarten age child means a child who will be at least 4 years and 6 months on 31 December in the child's registration year.

medical certificate means a certificate signed by—

(a) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession other than as a student; or

(b) a medical practitioner.

permanent resident means the holder of a permanent visa as defined by the *Migration Act 1958* (Cwlth), section 30(1).

registration year, for a child, means the year proposed for the child's registration in a distance education kindergarten learning program.

relevant kindergarten means—

(a) a centre-based service that provides an approved kindergarten program; or

(b) a prescribed State school that provides a State school kindergarten program.

419G Review of decision to refuse to grant an application

(1) This section applies if a decision is made under section 419F to refuse to grant an application for registration.

(2) The applicant may apply to the chief executive, within 21 days after notice of the decision is given to the applicant under section 419F(6), for a review of the decision.

(3) The application must state fully the grounds for the submission and the facts relied on.

(4) After reviewing the decision, the chief executive must decide to—

(a) confirm the decision; or

(b) set aside the decision and grant the application.

(5) The chief executive must as soon as practicable give a notice to the applicant about the chief executive's decision and the reasons for the decision.

419H Status of children registered in programs

A child registered in a distance education kindergarten learning program provided by a school is not, for this Act—

(a) a student of the school; or

(b) enrolled at the school; or

(c) enrolled in a program of distance education at the school.

Part 2 Provision of special education in particular cases

420 Special education for people enrolled at non-State school or below compulsory school age

(1) The Minister may provide, or assist in the provision of, special education to a person with a disability who is enrolled at a non-State school.

(2) Also, subject to the agreement of a parent of a person with a disability who is below compulsory school age, the Minister may provide, or assist in the provision of, special education to the person with a disability.

(3) Subsection (4) applies to a person with a disability who—

(a) under subsection (2), is being provided with special education; and

(b) is not enrolled in the preparatory year at the school at which the special education is being provided.

(4) The person is not, for this Act—

(a) a student of the school; or

Not authorised—indicative only

Not authorised—indicative only

(b) enrolled at the school.

(5) In this section—

person with a disability means a person who is decided, under a policy mentioned in section 420A(1), to be a person with a disability.

420A Minister must approve policies

(1) The Minister must approve a policy about the criteria to be considered in deciding whether a person is a person with a disability because the person is unlikely to attain the levels of development of which the person is capable unless the person receives special education.

(2) The Minister may approve more than 1 policy under subsection (1) providing for criteria to be considered in deciding whether a person is a person with a disability for the purposes of section 420(1) or (2).

(3) The chief executive must keep a copy of a policy approved under subsection (1) available for inspection and permit a person—

(a) to inspect the policy without fee; and

(b) to take extracts from the policy without fee.

(4) For subsection (3)—

(a) a copy of the policy—

(i) must be kept at the head office of the department; and

(ii) may be kept at any other place the chief executive considers appropriate; and

(b) the copy kept under paragraph (a) must be available for inspection during office hours on business days for the office or place.

(5) Also, the chief executive must supply a copy of a policy approved under subsection (1), or a part of the policy, to a person on request, without fee.

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

Part 3 General

421 Transportation assistance for particular students

(1) The Minister may give assistance to an eligible student relating to the student's transportation to or from a school in receipt of subsidy.

(2) The ways the Minister may give the assistance include the following—

(a) paying to the eligible student, or a parent of the student, all or part of the expenses of the transportation;

(b) making payments to a provider of the transportation;

(c) helping to organise or coordinate the transportation.

(3) In this section—

eligible student means a person who—

(a) is attending a school in receipt of subsidy; and

(b) has a disability that necessitates transport to or from the school in a way that takes account of the disability.

422 Grants to entities

The Minister may give a grant to an entity for the purpose of—

(a) helping children to achieve their best learning outcomes; or

(b) promoting the re-engagement of children in education or training.

Not authorised—indicative only

Not authorised—indicative only

423 Annual reporting by State school's principal or non-State school's governing body

(1) The Minister may approve a policy about the publication by a State school's principal, or non-State school's governing body, of an annual report containing—

(a) information relating to the school and its policies; and

(b) aggregate data about the student outcomes for all persons enrolled at the school in the previous year.

(2) A State school's principal, or non-State school's governing body, must comply with a policy approved under subsection (1).

(3) The chief executive must keep a copy of a policy approved under subsection (1) available for inspection and permit a person—

(a) to inspect the policy without fee; and

(b) to take extracts from the policy without fee.

(4) For subsection (3)—

(a) a copy of the policy—

(i) must be kept at the head office of the department; and

(ii) may be kept at any other place the chief executive considers appropriate; and

(b) the copy kept under paragraph (a) must be available for inspection during office hours on business days for the office or place.

(5) Also, the chief executive must keep a copy of a policy approved under subsection (1) available for supply to a person and permit a person to obtain a copy of the policy, or a part of the policy, without fee.

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

424 Parent and teacher discussions

(1) A State school's, or non-State school's, principal must ensure that a parent of each child enrolled at the school is given the opportunity, at least twice a year, to discuss the child's educational performance at the school with the child's teachers.

(2) Subsection (1) does not apply if the principal is satisfied it would be inappropriate in the circumstances to give the parent the opportunity.

Example—

It may be inappropriate to give the parent the opportunity if the child is living independently of the child's parents.

425 Student reports

(1) A State school's, or non-State school's, principal must ensure that a written report on the educational performance at the school of a person enrolled at the school is given at least twice a year—

(a) if the person is a child—to a parent of the person; or

(b) if the person is an adult—to the person.

(2) Subsection (1)(a) does not apply, and the report must be given to the person, if the principal is satisfied it would be inappropriate in the circumstances for a parent of the person to be given the report.

Example—

It may be inappropriate for a parent of the person to be given the report if the person is living independently of the person's parents.

425A Exchange of school's financial information

(1) A relevant entity may enter into an arrangement (an ***information-sharing arrangement***) with another relevant entity for the purpose of sharing or exchanging financial information about a school—

(a) held by 1 of the relevant entities; or

Not authorised—indicative only

Not authorised—indicative only

(b) to which 1 of the relevant entities has access.

(2) An information-sharing arrangement may relate only to financial information that assists 1 or both of the relevant entities perform the relevant entity's functions.

(3) Under an information-sharing arrangement, each relevant entity is, despite any other Act or law, authorised to ask for and receive financial information held by the other relevant entity to the arrangement or to which the other relevant entity has access.

(4) In this section—

financial information includes—

(a) financial data for a non-State school in receipt of subsidy; and

(b) allowance acquittal details for a non-State school.

relevant entity means—

(a) the Minister; or

(b) the chief executive; or

(c) the board.

426 Confidentiality

(1) This section applies to a person—

(a) who is or has been—

(i) the chief executive or a public service employee in the department; or

(ii) an employee of a State school; or

(iii) a minister, or an accredited representative, of a religious denomination or society mentioned in section 76(1); or

(iv) a member of an association; and

(b) who, in that capacity, has gained or has access to personal information about—

(i) a student, prospective student or former student of a State school; or

(ii) a child—

(A) who is or has been registered in a distance education kindergarten learning program; or

(B) for whom an application for registration has been made under section 419F; or

(iii) a person with a disability who—

(A) under section 420(2), is being provided with special education at a State school; and

(B) is not enrolled in the preparatory year at the school; or

(iv) a child—

(A) who is or has been provisionally registered, or registered, for home education under chapter 9, part 5; or

(B) for whom an application for registration for home education has been made under chapter 9, part 5.

(2) Also, this section applies to a person—

(a) who is or has been an employee of a relevant non-State school; and

(b) who, in that capacity, has gained or has access to personal information, included in a transfer note under chapter 14, about—

(i) a former student or student of the school; or

(ii) a person with a disability who—

(A) under section 420(2), is being provided with special education at the school; and

(B) is not enrolled in the preparatory year at the school.

(3) Further, this section applies to a person—

Not authorised—indicative only

Not authorised—indicative only

(a) who is or has been the chief executive or a public service employee in the department; and

(b) who, in that capacity, has gained or has access to personal information about a student, prospective student or former student of a recognised school.

(4) The person must not make a record of the information, use the information or disclose the information to anyone else, other than—

(a) for a purpose of this Act; 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) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or

(d) as permitted or required under subsection (5), section 426A or another Act; or

(e) with the written consent of the chief executive, who may give the consent if reasonably satisfied the recording, use or disclosure is—

(i) necessary to assist in averting a serious risk to the life, health or safety of a person, including the person to whom the information relates; or

(ii) in the public interest; or

(iii) necessary for research, or the compilation or analysis of statistics, if—

(A) the research, compilation or analysis is in the public interest; and

(B) the recording, use or disclosure does not involve the publication of all or any of the information in a form that identifies a person to whom the information relates; and

(C) it is not practicable to obtain the express or implied agreement of each person to whom

the information relates before the information is recorded, used or disclosed; and

(D) for a disclosure—the chief executive is reasonably satisfied the person to whom the information is disclosed will not disclose the information to anyone else.

Maximum penalty—50 penalty units.

(5) The chief executive may disclose the information to a law enforcement agency if the chief executive is reasonably satisfied the disclosure is necessary for the prevention, detection, investigation, prosecution or punishment of a criminal offence or a breach of a law imposing a penalty or sanction.

(6) In this section—

disclose, information, includes give access to the information.

employee, of a State school or relevant non-State school, includes—

(a) a person appointed to a position with the school; and

(b) a person engaged by the chief executive, the State school's principal, or the relevant non-State school's governing body, under a contract for services; and

(c) a volunteer who performs a task for the school at any place.

law enforcement agency see the *Information Privacy Act 2009*, schedule 5, definition *law enforcement agency*, paragraph (a).

personal information means information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

recognised school see the E(QCAA) Act, schedule 1.

Not authorised—indicative only

Not authorised—indicative only

relevant non-State school means a non-State school, the governing body of which is not an organisation within the meaning of the *Privacy Act 1988* (Cwlth), section 6C.

426A Confidentiality—approved online services

(1) For section 426(4)(d), a public service employee employed in the department may—

(a) disclose, to an entity that provides an approved online service, personal information that is relevant information about a student of a State school; or

(b) make a record of, or use, personal information about a student of a State school for the purpose of disclosing relevant information under paragraph (a).

(2) The chief executive may approve, as an ***approved online service***, an online service that requires the 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.

(4) In this section—

bound contracted service provider see the *Information Privacy Act 2009*, schedule 5.

disclose, information, see section 426(6).

personal information see section 426(6).

relevant information, 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.

sensitive information see the *Information Privacy Act 2009*, schedule 5.

service arrangement see the *Information Privacy Act 2009*, section 34.

427 Homework guidelines for State schools

(1) The chief executive may make guidelines about homework for State schools.

(2) Issues that may be addressed by a guideline include the following—

(a) the purpose of homework;

Not authorised—indicative only

Not authorised—indicative only

(b) homework approaches appropriate to each stage of learning at a State school;

(c) the setting of homework tasks for a student appropriate to the student's ability;

(d) the recommended amount of time a student should be expected to spend on homework;

(e) the responsibilities of teachers, parents and students in relation to homework;

(f) the development and implementation of a homework policy by a State school's principal.

(3) A guideline may be amended or replaced by a later guideline made under this section.

(4) A guideline must be made available to each principal of a State school.

427A Review of amendments made in relation to cancellation of enrolment, exclusion, refusal to enrol and suspension

(1) The chief executive must review the effectiveness of amendments made by the *Education (General Provisions) and Other Legislation Amendment Act 2024* to the following provisions (the ***amended provisions***)—

(a) chapter 12, part 3;

(b) chapter 8, part 1, division 2;

(c) section 156, to the extent the amendments relate to the referral of a prospective student's application to the chief executive to consider under chapter 8, part 1, division 2.

(2) The object of the review is to determine whether the amendments have been effective in ensuring—

(a) processes and decisions under the amended provisions are fair, transparent and consistent; and

(b) students, parents of students and principals are supported before, during and after processes and decisions under the amended provisions; and

(c) the amended provisions achieve an appropriate balance between—

(i) the need to ensure good order and management in schools, and protect the safety and wellbeing of Queensland school communities; and

(ii) the need to make available to each Queensland child or young person a high-quality education that will—

(A) help maximise their educational potential; and

(B) enable them to become an effective and informed member of the community.

(3) The review must start within 18 months after the commencement.

(4) In this section—

student includes a prospective student.

428 Collection of demographic information

(1) The chief executive may collect demographic information about any of the following and their parents if the only purpose of the collection is to give effect to, or manage, an education funding arrangement—

(a) State school students;

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

(c) persons with a disability who—

(i) under section 420(2), are being provided with special education at a State school; and

(ii) are not enrolled in the preparatory year at the school.

Not authorised—indicative only

Not authorised—indicative only

(2) To remove any doubt, it is declared that subsection (1) does not prevent the collection by the chief executive of demographic information about the persons mentioned in subsection (1) for a purpose of this Act.

(3) In this section—

education funding arrangement means a funding arrangement for educational services provided by the State entered into between the Commonwealth and the State.

429 Chief executive's directions about State school records and reports

A State school's principal must comply with the chief executive's written directions to the principal about the following matters—

(a) the school records that must be kept;

(b) the reports about the school that must be given to the chief executive;

(c) the times by which, and the way in which, the records must be kept or the reports given.

429A Prohibition on use of particular terms

(1) This section concerns the use of the following terms (the ***prohibited terms***) by an approved provider—

(a) 'preparatory year';

(b) 'prep year';

(c) 'prep';

(d) 'P.R.E.P.';

(e) any other name, initial, word or description that, having regard to the circumstances in which it is used, may suggest the approved provider is offering education in the preparatory year.

(2) An approved provider must not use a prohibited term in describing education and care or regulated education and care provided under a service approval held by the approved provider.

Maximum penalty—

(a) for a first offence—50 penalty units; or

(b) for a second or subsequent offence—100 penalty units.

(3) An approved provider must not use a prohibited term in describing regulated education and care provided under a service approval held by the approved provider.

Maximum penalty—

(a) for a first offence—50 penalty units; or

(b) for a second or subsequent offence—100 penalty units.

(4) In this section—

approved provider means—

(a) for education and care provided under the Education and Care Service National Law (Queensland)—see the Education and Care Services National Law (Queensland), section 5(1); or

(b) for regulated education and care provided under the *Education and Care Services Act 2013*—see the *Education and Care Services Act 2013*, schedule 1.

service approval means—

(a) for education and care provided under the Education and Care Service National Law (Queensland)—see the Education and Care Services National Law (Queensland), section 5(1); or

(b) for regulated education and care provided under the *Education and Care Services Act 2013*—see the *Education and Care Services Act 2013*, schedule 1.

Not authorised—indicative only

Not authorised—indicative only

429B Anti-Discrimination Act 1991—mature age student provisions

(1) The *Anti-Discrimination Act 1991* does not apply in relation to an act that is necessary to comply with, or is specifically authorised by, a mature age student provision.

(2) In this section—

mature age student provision means—

(a) a provision of this Act about the enrolment of a person as a mature age student of a mature age State school; or

(b) a provision of chapter 8A that applies in relation to—

(i) a mature age student of a mature age State school; or

(ii) a prospective mature age student.

prospective mature age student means a person who has applied for enrolment as a mature age student of a mature age State school.

430 Failure to decide application

(1) This section applies if, under this Act, the chief executive is taken to have decided to refuse to grant an application.

(2) To remove any doubt, it is declared the chief executive must as soon as practicable give the applicant an information notice about the decision.

431 Delegation by Minister

(1) The Minister may delegate the Minister's functions under this Act to an appropriately qualified person.

(2) In this section—

functions includes powers.

432 Delegation by chief executive

(1) The chief executive may delegate the chief executive's functions under this Act to an appropriately qualified officer of the department.

(2) Also, the chief executive may delegate the relevant chapter 10 functions to—

(a) an appropriately qualified employee, other than an officer, employed in the department; or

(b) an appropriately qualified employee employed in the department in which the *Further Education and Training Act 2014* is administered.

(3) A delegation under subsection (1) or (2) of a relevant chapter 10 function may permit the subdelegation of the function to an appropriately qualified employee of—

(a) the department; or

(b) the department in which the *Further Education and Training Act 2014* is administered.

(4) In this section—

function includes power.

relevant chapter 10 functions means the chief executive's functions under chapter 10, other than section 242.

433 Approval of forms

The chief executive may approve forms for use under this Act.

434 Regulation-making power

(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made about the following—

(a) fees, including the refunding of fees, for this Act, other than the fees mentioned in section 51;

Not authorised—indicative only

Not authorised—indicative only

(b) the management, administration and control of the operations of a State educational institution;

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

(d) the use of a State educational institution's premises;

(e) the dissolution of an association or school council;

(f) the requirements about the age for enrolment of a child at a State school or non-State school;

(g) imposing a penalty of not more than 20 penalty units for a contravention of a provision of a regulation.

(3) Without limiting subsection (2)(a), a regulation may be made about fees for the provision of education, including distance education, by a State school to a person enrolled at a non-State school.

(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.

Chapter 20 Repeal, validations and transitional provisions

Part 1 Repeal of Acts

435 Repeal

The following Acts are repealed—

- Education (General Provisions) Act 1989 No. 30

- Youth Participation in Education and Training Act 2003 No. 62.

Part 2 Validations

436 Validation of fee waiver

(1) This section applies if, before the commencement of this section, the chief executive waived, wholly or partly, the payment by a person of a fee payable under the *Education (General Provisions) Regulation 2000*, section 72(4).

(2) The waiver is taken to be, and to always have been, valid and effective.

Part 3 Transitional provisions for Education (General Provisions) Act 2006

437 Definitions for pt 3

commencement means the commencement of the provision in which the term appears.

corporation sole means the corporation sole named 'The Minister for Education of Queensland', constituted under the repealed E(GP) Act.

repealed E(GP) Act means the *Education (General Provisions) Act 1989* as in force from time to time before its repeal.

repealed YPET Act means the *Youth Participation in Education and Training Act 2003* as in force from time to time before its repeal.

Not authorised—indicative only

Not authorised—indicative only

438 References to repealed Acts

In an Act or document, a reference to the *Education (General Provisions) Act 1989* or the *Youth Participation in Education and Training Act 2003* may, if the context permits, be taken to be a reference to this Act.

439 Dissolution of corporation sole

On the commencement, the corporation sole is dissolved.

440 Vesting of assets, rights and liabilities of corporation sole

(1) On the commencement—

(a) the assets, rights and liabilities of the corporation sole vest in the State; and

(b) the State is substituted for the corporation sole in all contracts to which the corporation sole is a party; and

(c) any property held by the corporation sole on trust is held by the State on the terms of the trust.

(2) Despite subsection (1)(b), the chief executive is substituted for the corporation sole in all contracts, entered into under the *Education (Work Experience) Act 1996*, section 8 or 9, to which the corporation sole is a party.

441 Legal proceedings involving the corporation sole

A legal proceeding that could have been started or continued by or against the corporation sole immediately before the commencement may be started or continued against the State.

442 References to corporation sole

A reference in an Act or document in existence immediately before the commencement to the corporation sole may, if the context permits, be taken to be a reference to the State.

443 Offences

(1) Proceedings for an offence against the repealed E(GP) Act or the repealed YPET Act may be continued, or started, and the provisions of the repealed E(GP) Act or the repealed YPET Act necessary or convenient to be used in relation to the proceedings continue to apply as if this Act had not commenced.

(2) For subsection (1), the *Acts Interpretation Act 1954*, section 20, applies but does not limit the subsection.

444 Power of Minister to be member of committees etc.

(1) Subsection (2) applies if, immediately before the commencement, the Minister, or a person authorised by the Minister for the repealed E(GP) Act, section 9, was a member of a committee, group or body mentioned in that section.

(2) The committee, group or body is taken to be an entity mentioned in section 411 and the Minister or person authorised by the Minister is taken to be a member of the committee, group or body for that section.

(3) Subsection (4) applies if, immediately before the commencement, the Minister, or person authorised by the Minister, was a party to an agreement mentioned in the repealed E(GP) Act, section 9, with a committee, group or body mentioned in that section.

(4) The Minister or person authorised by the Minister is taken to be a party to an agreement mentioned in section 411.

445 Advisory committees

An advisory committee established under the repealed E(GP) Act, section 12, and in existence immediately before the commencement continues as an advisory committee established under section 412 and the members of the committee continue as members.

Not authorised—indicative only

Not authorised—indicative only

446 State educational institutions

(1) A State school established under the repealed E(GP) Act, section 16, and in existence immediately before the commencement, is taken to be a State school established under section 13.

(2) A centre for continuing secondary education established under the repealed E(GP) Act, section 17, and in existence immediately before the commencement, is taken to be a State school established under section 13.

(3) An environmental education centre or outdoor education centre established under the repealed E(GP) Act, section 17, and in existence immediately before the commencement, is taken to be a State educational institution established under section 14.

(4) A State preschool centre established under the repealed E(GP) Act, section 17, and in existence immediately before the commencement, is taken to be a State educational institution established under section 15.

(5) A centre, hostel or college established under the repealed E(GP) Act, section 18, and in existence immediately before the commencement, is taken to be a State educational institution established under section 15.

447 Curriculum framework and directions

(1) A curriculum framework applying, immediately before the commencement, under the repealed E(GP) Act, section 19 to an educational institution is taken to be a curriculum framework applying to the institution under section 21.

(2) A direction given under the repealed E(GP) Act, section 19B(2), and in force immediately before the commencement, is taken to be a direction given under section 23(2).

(3) A direction given under the repealed E(GP) Act, section 19B(3), and in force immediately before the

commencement, is taken to be a direction given under section 23(3).

(4) A direction given under the repealed E(GP) Act, section 19B(4), and in force immediately before the commencement, is taken to be a direction given under section 23(4).

(5) A direction given under the repealed E(GP) Act, section 19C, and in force immediately before the commencement, is taken to be a direction given under section 24.

448 Chief executive's directions about State school records and reports

A written direction about school records or reports given by the chief executive to a State school principal under the repealed E(GP) Act, section 25(1), and in force at the commencement, is taken to be a written direction under section 429.

449 Religious instruction

(1) An accredited representative of a religious denomination or society who, immediately before the commencement, was entitled to give religious instruction to students of a State school under the repealed E(GP) Act, section 26(1), is taken to be approved to give religious instruction to students of a State school under section 76(1).

(2) A notice given under the repealed E(GP) Act, section 26(5) and in effect immediately before the commencement is taken to have been given under section 76(5).

450 Application for mature age student notices

An application for a mature age student notice made to the chief executive under the repealed E(GP) Act, section 26AD, but not decided under section 26AE of that Act immediately before the commencement—

Not authorised—indicative only

Not authorised—indicative only

(a) is taken to have been made under section 28; and

(b) must be decided under section 29.

451 Currency of positive notice

A positive notice issued under the repealed E(GP) Act, section 26AE, and in force immediately before the commencement—

(a) is taken to be a positive notice issued under section 29; and

(b) remains in force until it would have expired under the repealed E(GP) Act unless it is sooner cancelled and replaced under chapter 2, part 5, division 5.

452 Review of decision to issue negative notice

(1) If, immediately before the commencement, a person was entitled under the repealed E(GP) Act, section 26AP, to apply for a review of a decision to issue the person with a negative notice but had not applied, the person may apply for a review under section 40.

(2) An application for a review made under the repealed E(GP) Act, section 26AP, but not decided under section 26AR of that Act immediately before the commencement—

(a) is taken to be an application made under section 40; and

(b) must be decided under section 42.

453 Behaviour plans

A behaviour management plan for a State school, developed under the repealed E(GP) Act, section 27, and in force immediately before the commencement, is taken, for 6 months after the commencement, to be an approved behaviour plan for the school, under chapter 12, part 1.

454 Time limit on new application for mature age student notice

(1) Subsection (2) applies if—

(a) before the commencement, the chief executive decided an application under the repealed E(GP) Act for a mature age student notice by issuing the person with a negative notice; and

(b) immediately before the commencement, the time under section 26AT of that Act before which the person could make another application had not arrived.

(2) The person may not make an application for a mature age student notice under chapter 2, part 5, before that time.

455 Suspension of student

If a student was suspended under the repealed E(GP) Act, section 29, and, immediately before the commencement, the period of suspension had not expired, the period continues as if it were a suspension under section 285.

456 Submission against suspension for more than 5 days

If, immediately before the commencement, a student was entitled under the repealed E(GP) Act, section 31, to make a submission against a suspension of more than 5 days but had not made a submission, the student may make the submission under section 287.

457 Dealing with submissions against suspension for more than 5 days

If a submission against a suspension for more than 5 days was made under the repealed E(GP) Act, section 31, but not dealt with under section 32 of that Act before the commencement, the submission may be dealt with under section 288.

Not authorised—indicative only

Not authorised—indicative only

458 Recommendation to principal's supervisor of exclusion of student

A recommendation that a student be excluded, made under the repealed E(GP) Act, section 34(2), but not dealt with under section 36 of that Act before the commencement—

(a) is taken to be a recommendation made under section 290(2); and

(b) may be dealt with under section 293.

459 Suspension pending dealing with recommendation for exclusion

If a student was suspended from a State educational institution, under the repealed E(GP) Act, section 34(2)(b), but, immediately before the commencement, had not been given a notice under subsection (3) of that section—

(a) the suspension is taken to be a suspension under section 290(2)(b); and

(b) the student must be given a notice under section 290(3).

460 Submissions against suspension and recommendation for exclusion

If, immediately before the commencement, a student was entitled under the repealed E(GP) Act, section 35, to make a submission against a suspension and recommendation for exclusion but had not made a submission, the student may make the submission under section 292.

461 Exclusion of student by principal's supervisor

If a student was excluded under the repealed E(GP) Act, section 36, and, immediately before the commencement, the period of exclusion had not expired, the period continues as if it were a exclusion under section 293.

462 Suspension pending final decision about exclusion

If a student was suspended under the repealed E(GP) Act, section 36C, and, immediately before the commencement, the period of suspension had not expired, the period continues as if it were a suspension under section 300.

463 Submissions against proposed exclusion

If, immediately before the commencement, a student was entitled under the repealed E(GP) Act, section 36D, to make a submission against a proposed exclusion but had not made a submission, the student may make the submission under section 301.

464 Exclusion of student by chief executive

If a student was excluded under the repealed E(GP) Act, section 36E, and, immediately before the commencement, the period of exclusion had not expired, the period continues as if it were an exclusion under section 302.

465 Submission against exclusion decision

If, immediately before the commencement, an excluded person was entitled under the repealed E(GP) Act, section 37, to make a submission against the exclusion but had not made a submission, the excluded person may make the submission under section 312.

466 Dealing with submissions against exclusions

If a submission against exclusion was made to the chief executive under the repealed E(GP) Act, section 37, but the chief executive had not made a decision under section 38 about the submission before the commencement, the submission—

(a) is taken to have been made under section 312; and

(b) must be dealt with under section 313.

Not authorised—indicative only

Not authorised—indicative only

467 Periodic review of decision to exclude

If, immediately before the commencement, a person was entitled under the repealed E(GP) Act, section 38A(4), to make a submission to the chief executive about whether the person's exclusion should be revoked but the person had not made a submission, the person may make the submission under section 314.

468 Dealing with submissions about whether exclusion should be revoked

If a submission about whether a student's exclusion should be revoked was made to the chief executive under the repealed E(GP) Act, section 38A, but, before the commencement, the chief executive had not made a decision about the submission, the submission—

(a) is taken to have been made under section 314; and

(b) must be dealt with under section 314.

469 Cancellation of student's enrolment

If a student's enrolment was cancelled under the repealed E(GP) Act, section 40, and, immediately before the commencement, the period of cancellation had not expired, the period continues as if it were a cancellation under section 320.

470 Submission against cancellation of enrolment

If, immediately before the commencement, a person under a cancellation was entitled under the repealed E(GP) Act, section 41, to make a submission against the cancellation of enrolment but had not made a submission, the person may make the submission under section 321.

471 Dealing with submissions against cancellation of enrolment

If a submission against the cancellation of a person's enrolment was made to a principal's supervisor under the repealed E(GP) Act, section 41, but, immediately before the commencement, the supervisor had not made a decision about the submission, the submission—

(a) is taken to have been made under section 321; and

(b) must be dealt with under section 322.

472 Submissions about suspensions, exclusions or cancellations

(1) If, immediately before the commencement, a parent of a student who was under 18 years was entitled, under the repealed E(GP) Act, section 45, to make a submission about a suspension, suspension and recommendation for exclusion, exclusion or cancellation, but had not made a submission, the parent may make the submission under section 331.

(2) In this section—

parent, in relation to a student who is under 18 years, has the meaning the term had under the repealed E(GP) Act and includes an adult who has the care and control of the student.

473 Directions about conduct or movement at premises of State instructional institutions

(1) A direction about a person's conduct or movement at a State educational institution's premises, given under the repealed E(GP) Act, section 48C, and in force immediately before the commencement—

(a) is taken to be a direction given under section 337; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

(2) Subsection (3) applies if—

Not authorised—indicative only

Not authorised—indicative only

(a) immediately before the commencement, a person was entitled under the repealed E(GP) Act, section 48D, to apply for a review of a direction given under section 48C but had not applied; and

(b) the time period for applying for the review has not expired.

(3) The time for applying for the review continues until it would have expired under section 48D and the application may be made under section 338.

(4) An application for review of a direction, made under the repealed E(GP) Act, section 48D, but not decided before the commencement, is taken to be an application made under section 338.

474 Directions to leave and not re-enter premises of State instructional institutions

A direction requiring a person to immediately leave and not re-enter a State educational institution's premises for 24 hours, given under the repealed E(GP) Act, section 48E, and in force immediately before the commencement—

(a) is taken to be a direction given under section 339; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

475 Prohibition from entering premises of State instructional institutions

(1) A direction requiring a person not to enter a State educational institution's premises for up to 60 days, given under the repealed E(GP) Act, section 48F, and in force at the commencement—

(a) is taken to be a direction given under section 340; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

(2) An order prohibiting a person from entering a State educational institution's premises for more than 60 days but not more than 1 year, made under the repealed E(GP) Act, section 48G, and in force at the commencement—

(a) is taken to be an order made under section 341 of this Act; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

476 Directions about conduct or movement at premises of non-State schools

(1) A direction about a person's conduct or movement at a non-State school's premises, given under the repealed E(GP) Act, section 48L, and in force immediately before the commencement—

(a) is taken to be a direction given under section 346; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

(2) Subsection (3) applies if—

(a) immediately before the commencement, a person was entitled under the repealed E(GP) Act, section 48M, to apply for a review of a direction given under section 48L of that Act but had not applied; and

(b) the time period for applying for the review has not expired.

(3) The time for applying for the review continues until it would have expired under the repealed E(GP) Act, section 48M, and the application may be made under section 347.

(4) An application for review of a direction, made under the repealed E(GP) Act, section 48M, but not decided before the commencement, is taken to be an application made under section 347.

Not authorised—indicative only

Not authorised—indicative only

477 Directions to leave and not re-enter premises of non-State schools

A direction requiring a person to immediately leave and not re-enter a non-State school's premises for 24 hours, given under the repealed E(GP) Act, section 48N, and in force immediately before the commencement—

(a) is taken to be a direction given under section 348; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

478 Prohibition from entering premises of non-State schools

(1) A direction requiring a person not to enter a non-State school's premises for up to 60 days, given under the repealed E(GP) Act, section 48O, and in force immediately before the commencement—

(a) is taken to be a direction given under section 349; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

(2) An order prohibiting a person from entering a non-State school's premises for more than 60 days but not more than 1 year, made under the repealed E(GP) Act, section 48P, and in force immediately before the commencement—

(a) is taken to be an order made under section 350; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

479 Prohibition from entering premises of all State instructional institutions and non-State schools

(1) An application, made to a court under the repealed E(GP) Act, section 48R, for an order prohibiting a person from entering the premises of all State educational institutions and non-State schools for up to 1 year, but not decided before the commencement, is taken to have been made under section 352.

(2) An order prohibiting a person from entering the premises of all State educational institutions and non-State schools for up to 1 year, made under the repealed E(GP) Act, section 48R, and in force immediately before the commencement—

(a) is taken to be an order made under section 352; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

480 Prohibition from entering premises of all State instructional institutions

(1) An application, made to a court under the repealed E(GP) Act, section 48S, for an order prohibiting a person from entering the premises of all State educational institutions for up to 1 year, but not decided before the commencement, is taken to have been made under section 353.

(2) An order prohibiting a person from entering the premises of all State educational institutions for up to 1 year, made under the repealed E(GP) Act, section 48S, and in force immediately before the commencement—

(a) is taken to be an order made under section 353; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

481 Appeal to District Court

An appeal, made to the District Court under the repealed E(GP) Act, section 48T, from a decision of a court under section 48R of that Act, but not decided before the commencement is taken to be an appeal made under section 354.

482 Department's annual report

The department's annual report for the 2005–2006 financial year must be prepared under the repealed E(GP) Act and not

Not authorised—indicative only

Not authorised—indicative only

under this Act and, for that purpose, the repealed E(GP) Act continues to apply.

483 Non-State school's governing body to give particular information to Minister

For the purpose of the Minister obtaining information under the repealed E(GP) Act, section 48X, for the 2005–2006 financial year, the repealed E(GP) Act continues to apply as if this Act had not commenced.

484 Provisions about school councils

(1) This section applies to a school council established under the repealed E(GP) Act, section 50, and in existence immediately before the commencement.

(2) The school council continues in existence, subject to this Act, and is taken to have been established under section 79.

(3) The appointed, elected and official members of the school council holding office under the repealed E(GP) Act immediately before the commencement continue as the appointed, elected and official members of the council under this Act.

(4) The appointed or elected members continue in office, subject to this Act, for the balance of the term for which they were appointed or elected under the repealed E(GP) Act.

(5) The person holding office as chairperson of the school council under the repealed E(GP) Act immediately before the commencement continues in office, subject to section 89(3) of this Act, for the balance of the person's term of office under the repealed E(GP) Act.

(6) The school council's constitution as in force under the repealed E(GP) Act immediately before the commencement continues, subject to this Act, as the council's constitution under this Act.

(7) An amendment of the school council's constitution prepared and adopted under the repealed E(GP) Act but not approved

by the chief executive under that Act may be approved by the chief executive under section 95 of this Act.

(8) A written direction given to the council under the repealed E(GP) Act, section 79, and not complied with before the commencement is taken to be a direction given to the council under section 116.

(9) Without limiting subsection (8), a copy of the direction must also be included in the department's annual report for the financial year in which the direction was given under the repealed E(GP) Act.

485 Provisions about parents and citizens associations

(1) This section applies to a parents and citizens association or an interim parents and citizens association (in either case, the ***existing association***) formed under the repealed E(GP) Act, section 81 or 82, and in existence immediately before the commencement.

(2) The existing association continues in existence, subject to this Act, and is taken to have been established as a parents and citizens association or an interim parents and citizens association (in either case, the ***new association***) under section 118 or 119.

(3) The persons who were members, including honorary life members, of the existing association immediately before the commencement continue as members, including as honorary life members, subject to this Act, of the new association.

(4) An officer of the existing association holding office under the repealed E(GP) Act, section 87, immediately before the commencement continues in office, subject to this Act, as an equivalent officer of the new association until the first annual general meeting of the new association held under this Act.

(5) A subcommittee established for the existing association under the repealed E(GP) Act, section 90, and in existence immediately before the commencement continues as a subcommittee of the new association under section 130.

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Not authorised—indicative only

(6) An agreement entered into by the existing association or by the Minister under the repealed E(GP) Act, section 96, and in force immediately before the commencement continues as a relevant agreement entered into by the new association or by the Minister under section 137.

(7) The repealed E(GP) Act, section 100, continues to apply to things done or omitted to be done by a member of the existing association before the commencement as if this Act had not commenced and for that purpose a reference in the section to the Minister is taken to be a reference to the Minister under this Act.

(8) If the procedure for removal of a nominated person has started but not ended under the repealed E(GP) Act, section 111, immediately before the commencement, the procedure may continue as if it had started under section 152.

(9) For a nominated person who was removed under the repealed E(GP) Act, section 111, before the commencement, section 153 applies as if the person had been removed under section 152 and any submission relating to the removal received under the repealed E(GP) Act, section 112, and not finally dealt with under section 113 of that Act is taken to have been received under section 153.

(10) Subsection (11) applies if—

(a) immediately before the commencement a person could have appealed to a Magistrates Court against a decision of the Minister under the repealed E(GP) Act, section 113, and had not appealed; or

(b) a person had appealed to a Magistrates Court against a decision mentioned in paragraph (a) and the appeal has not been finalised before the commencement.

(11) For the purpose of appealing the decision or for finalising the appeal, the decision is taken to be a decision of the Minister under section 154.

(12) The existing association's constitution as in force under the repealed E(GP) Act immediately before the commencement

continues, subject to this Act, as the existing association's constitution under this Act.

486 Provisions about enrolment at State schools

(1) If, immediately before the commencement, a student was enrolled at a State school under the repealed E(GP) Act, the student's enrolment continues under this Act.

(2) A student mentioned in subsection (1) includes the following—

(a) a student who is enrolled at, and attending, the school;

(b) a student who is enrolled at, but has not started attending, the school;

(c) a student enrolled at the school for 2006 but enrolled at a different State school for 2007;

(d) a student enrolled at the school but suspended under the repealed E(GP) Act, section 29, 34 or 36C;

(e) a student enrolled at the school for 2006 and, under the repealed E(GP) Act, section 127, granted extra semesters at the school for 2007.

(3) If an application for enrolment at a State school was made but not decided before the commencement—

(a) the application lapses; and

(b) an application for enrolment may be made under section 155.

488 Exemption from compliance with compulsory enrolment and attendance provisions

(1) A dispensation from complying with the enrolment and attendance obligations under the repealed E(GP) Act, section 114, granted under section 115 of that Act and in force immediately before the commencement—

(a) is taken to be an exemption issued under section 189; and

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Not authorised—indicative only

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

(2) Subsection (1) does not apply to a dispensation granted for a reason mentioned in the repealed E(GP) Act, section 115(2)(a)(i).

489 Application for exemption from compliance with compulsory enrolment and attendance provisions

(1) An application for dispensation from complying with the enrolment and attendance obligations under the repealed E(GP) Act, section 114, made under section 116 of that Act but not decided before the commencement—

(a) is taken to be an application under section 186; and

(b) must be decided under section 189.

(2) However, if the application for dispensation was for a reason mentioned in the repealed E(GP) Act, section 115(2)(a)(i), subsection (1) does not apply.

490 Particular dispensation from compliance with compulsory enrolment and attendance provisions

A dispensation from complying with the enrolment and attendance obligations under the repealed E(GP) Act, section 114, granted for a reason mentioned in section 115(2)(a)(i) of that Act and in force immediately before the commencement—

(a) has effect as a dispensation from complying with section 176; and

(b) remains in force until it would have expired under the repealed E(GP) Act if this Act had not commenced.

491 Particular application for exemption from compliance with compulsory enrolment and attendance provisions

(1) Subsection (2) applies to an application for dispensation, for a reason mentioned in the repealed E(GP) Act,

section 115(2)(a)(i), from complying with the enrolment and attendance obligations under section 114 of that Act, made under section 116 of that Act but not decided before the commencement.

(2) The application is taken to be an application for provisional registration of a child for home education made under section 207.

492 Dispensation from requirement to participate in an eligible option

A dispensation from the requirement to participate in an eligible option, granted under the repealed YPET Act, section 24, and in force immediately before the commencement—

(a) is taken to be an exemption granted under section 244; and

(b) remains in force until it would have expired under the repealed YPET Act if this Act had not commenced.

493 Home schooling dispensation from requirement to participate in an eligible option

A dispensation from the requirement to participate in an eligible option, granted under the repealed YPET Act, section 25, and in force immediately before the commencement—

(a) has effect as a dispensation from complying with section 239; and

(b) remains in force until 31 December 2006.

494 Application for exemption from requirement to participate in an eligible option

An application under the repealed YPET Act, section 26, for a dispensation under section 24 of that Act from the

Not authorised—indicative only

Not authorised—indicative only

requirement to participate in an eligible option, made but not decided before the commencement—

(a) is taken to be an application under section 245; and

(b) must be decided under section 248.

495 Application for home schooling exemption from requirement to participate in an eligible option

An application under the repealed YPET Act, section 26, for a dispensation under section 25 of that Act from the requirement to participate in an eligible option, made but not decided before the commencement, is taken to be an application for provisional registration of a child for home education made under section 207.

496 Student account

A student account opened under the repealed YPET Act, part 4, and in existence immediately before the commencement, is taken to be a student account opened under chapter 11.

497 Flexible arrangements

(1) Arrangements approved under the repealed E(GP) Act, section 114A, to apply to a student of a non-State school instead of participation in the school's educational programs in the usual way, and in force immediately before the commencement, are taken to be arrangements approved under section 182.

(2) Arrangements approved under the repealed E(GP) Act, section 114B, to apply to a student of a State educational institution instead of participation in the institution's educational programs in the usual way, and in force immediately before the commencement, are taken to be arrangements approved under section 183.

498 Principal's decision about student's remaining allocation

If the principal of a State educational institution was required under the repealed E(GP) Act, section 123, to make a decision about a student's remaining allocation but the decision had not been made before the commencement, the decision must be made under section 61.

499 Notice about student's remaining allocation

If the principal of a State educational institution was required under the repealed E(GP) Act, section 124(4)(b), to give notice to a student about the student's remaining allocation but the notice had not been given before the commencement, the notice must be given under section 62(4)(b).

500 Application for extra semesters if no remaining allocation

An application for the granting of extra semesters made to the principal of a State educational institution under the repealed E(GP) Act, section 126, but not decided before the commencement is taken to be an application under section 65.

501 Notice about student's extra semesters

If the principal of a State educational institution was required under the repealed E(GP) Act, section 127(3)(b), to give notice to a student of the principal's decision about the student's application for extra semesters but the notice had not been given before the commencement, the notice must be given under section 66(3)(b).

502 Submissions against decisions about allocation of semesters or application for extra semesters

(1) Subsection (2) applies if, immediately before the commencement, a student was entitled under the repealed E(GP) Act, section 129, to make a submission against a decision about either of the following but had not made a submission—

Not authorised—indicative only

Not authorised—indicative only

(a) the allocation of semesters to the student under the repealed E(GP) Act, part 8, division 2, including a decision under section 123(3) or (4) or 125 of that Act;

(b) the student's application for an extra semester or semesters under part 8, division 3 of that Act.

(2) The time period for making the submission continues until it would have expired under that section if this Act had not commenced and the submission may be made under section 68.

503 Dealing with submissions against decisions about allocation of semesters or application for extra semesters

If a submission against a decision about either of the following was made under the repealed E(GP) Act, section 129, but not dealt with under section 130 of that Act before the commencement, the submission is taken to have been made under section 68—

(a) the allocation of semesters to the student under the repealed E(GP) Act, part 8, division 2, including a decision under section 123(3) or (4) or 125;

(b) the student's application for an extra semester or semesters under part 8, division 3.

504 Notice about decisions about allocation of semesters or application for extra semesters

If, immediately before the commencement, notice was required to be given to a student under the repealed E(GP) Act, section 130(2)(b), about either of the following but the notice had not been given, the notice must be given under section 69(2)(b)—

(a) the allocation of semesters to the student;

(b) the student's application for extra semesters.

505 Application for further semesters if no remaining allocation and after extra semesters

An application for the granting of further semesters made to the chief executive under the repealed E(GP) Act, section 131, but not decided before the commencement is taken to be an application under section 71.

506 Notice about student's further semesters

(1) Subsection (2) applies if the chief executive was, immediately before the commencement, required under the repealed E(GP) Act, section 132(3)(b), to give notice to a student of the chief executive's decision about the student's application for further semesters but the notice had not been given.

(2) The notice or, if relevant, an information notice must be given under section 72(3)(b) of this Act.

507 Financial data

(1) This section applies if—

(a) under the repealed E(GP) Act, section 134AC, the Minister has given the governing body of a non-State School a notice; and

(b) the time stated in the notice has not ended before the commencement; and

(c) the body has not complied with the notice before the commencement.

(2) The governing body must comply with the notice and for that purpose the financial data to which the notice relates or the notice are taken to have been given under section 370 or 371.

508 Finalising show cause process relating to allowances paid for non-State schools

(1) This section applies if—

Not authorised—indicative only

Not authorised—indicative only

(a) immediately before the commencement a show cause process could have been started under the repealed E(GP) Act, section 134D, in relation to the governing body of a non-State school but the process had not started; or

(b) at the commencement the show cause process had been started but had not been finalised under the repealed E(GP) Act, section 134H.

(2) The process may be started and finalised or continued and finalised under chapter 13, part 4, and for that purpose the part applies with any necessary or convenient changes.

509 International educational institutions

(1) Subsection (2) applies to an approval to establish or conduct an international educational institution, given under the repealed E(GP) Act, section 144, and in force immediately before the commencement.

(2) The approval—

(a) is taken to be an approval under section 415; and

(b) continues to be subject to the conditions stated on the approval; and

(c) is subject to the conditions mentioned in section 417(2).

510 Appeals

(1) Subsection (2) applies if—

(a) immediately before the commencement a person could have appealed to a Magistrates Court against a decision of a principal's supervisor under the repealed E(GP) Act, section 130, or a decision of the chief executive under section 132 of that Act and had not appealed; or

(b) a person had appealed to a Magistrates Court against a decision mentioned in paragraph (a) and the appeal has not been finalised before the commencement.

(2) For the purpose of appealing the decision or for finalising the appeal—

(a) a decision of a principal's supervisor under the repealed E(GP) Act, section 130, is taken to be a decision of a principal's supervisor under section 69; and

(b) a decision of the chief executive under the repealed E(GP) Act, section 132, is taken to be a decision of the chief executive under section 72.

510A Limited effect of s 429A for 1 year

For 1 year after section 429A commences, the section does not apply to a person who, on the commencement of the section, was the holder of a licence under the *Child Care Act 2002*.

Part 4 Transitional provision for Education and Training Legislation Amendment Act 2009

511 Programs taken to be pre-preparatory learning programs

(1) This section applies to a program focused on literacy and numeracy for preparing a child for education in the preparatory year that, immediately before the commencement of this section, was—

(a) being provided by a prescribed State school or a prescribed non-State school; and

(b) approved by the Minister for the school.

(2) The program is taken to be a pre-preparatory learning program for this Act.

Not authorised—indicative only

Not authorised—indicative only

Part 5 Transitional provision for Education Legislation Amendment Act 2012

512 Final notice for written submission under s 314

(1) This section applies to a person who immediately before the commencement of this section (the ***commencement***) was entitled to receive a notice under section 314(2) at a time after the commencement.

(2) The chief executive must, as soon as practicable, but within 6 months after the commencement, give the person a notice (the ***final notice***) stating the following—

(a) that the person will not receive any further notices under section 314;

(b) that the person may make a periodic written submission to the chief executive under chapter 12, part 3, division 6.

(3) If the person received a notice under section 314(2) before the commencement and the time for the person to make a submission (the ***submission period***) had not ended before the commencement—

(a) the person may make a written submission within the submission period; and

(b) the submission is taken to have been made, and must be dealt with, under section 315.

(4) If a submission about whether the person's exclusion should be revoked was made to the chief executive under section 314(5), but, before the commencement, the chief executive had not made a decision about the submission, the submission—

(a) is taken to have been made under section 315; and

(b) must be dealt with under section 315.

Part 6 Transitional provisions for Education Legislation Amendment Act 2013

513 Definitions for pt 6

In this part—

commencement means the commencement of this section.

pre-amended Act means this Act as in force immediately before the commencement.

514 Decisions about remaining allocation of students

Despite the *Education Legislation Amendment Act 2013*, section 12, a decision under the pre-amended Act, section 61 made before the commencement continues in effect on and after the commencement until another decision is made under this Act, section 61.

515 Chief executive may cancel enrolment for particular students

(1) This section applies to a fee charged under the pre-amended Act, section 51(1) before the commencement.

(2) While the fee remains unpaid, the chief executive may cancel the enrolment of the person or registration of the pre-preparatory age child to whom the fee relates.

(3) The chief executive must, at least 14 days before the enrolment or registration is cancelled, give the person or a parent of the child notice that the chief executive intends to cancel the person's enrolment or the child's registration.

Not authorised—indicative only

Not authorised—indicative only

Part 7 Transitional provisions for Education (Strengthening Discipline in State Schools) Amendment Act 2013

516 Definitions for pt 7

In this part—

amending Act means the *Education (Strengthening Discipline in State Schools) Amendment Act 2013*.

commencement means the commencement of this section.

pre-amended Act means this Act as in force immediately before the commencement.

517 Existing policy and procedures

(1) This section applies if—

(a) the chief executive has made a policy or procedure about the way in which principals of State schools are to control and regulate student discipline; and

(b) the policy or procedure is in force immediately before the commencement.

(2) The policy or procedure is taken to be a policy or procedure made by the chief executive under section 276.

518 Suspension of student

(1) This section applies if a student was suspended from a State school under the pre-amended Act, section 285 before the commencement.

(2) The pre-amended Act continues to apply for the suspension as if the amending Act had not been enacted.

519 Suspension and proposed exclusion of student by principal

(1) This section applies if a student was given a notice proposing exclusion, and suspended, under the pre-amended Act, section 288C before the commencement.

(2) The pre-amended Act continues to apply for the proposed exclusion and suspension as if the amending Act had not been enacted.

520 Exclusion of student by principal

(1) This section applies if a student is excluded from a school, under the pre-amended Act, section 288F either before or after the commencement.

(2) The student is taken to be excluded from the school under section 295(3) as in force after the commencement.

(3) The notice given to the student under the pre-amended Act, section 288F(3) is taken to state the matters mentioned in section 295(6) as in force immediately after the commencement.

521 Recommendation to principal's supervisor for exclusion and suspension

(1) This section applies if a principal recommended to the principal's supervisor that a student be excluded from a school or schools, and suspended the student, under the pre-amended Act, section 290 before the commencement.

(2) The pre-amended Act continues to apply for the recommendation and suspension as if the amending Act had not been enacted.

522 Exclusion of student by principal's supervisor

(1) This section applies if a student is excluded from a school or schools, under the pre-amended Act, section 293 either before or after the commencement.

Not authorised—indicative only

Not authorised—indicative only

(2) The student is taken to be excluded from the school under section 295(3) as in force after the commencement.

(3) The notice given to the student under the pre-amended Act, section 293(3) is taken to state the matters mentioned in section 295(6) as in force immediately after the commencement.

523 Suspension and proposed exclusion of student by chief executive

(1) This section applies if the chief executive gave a student a notice under the pre-amended Act, section 300 in relation to the student's suspension and proposed exclusion before the commencement.

(2) The pre-amended Act continues to apply for the notice as if the amending Act had not been enacted.

524 Exclusion of student by chief executive

(1) This section applies if a student is excluded from a school or schools, under the pre-amended Act, section 302 either before or after the commencement.

(2) The student is taken to be excluded from the school or schools under section 302(3) as in force after the commencement.

(3) The notice given to the student under the pre-amended Act, section 302(3) is taken to state the matters mentioned in section 302(6) and (7) as in force immediately after the commencement.

525 Show cause notice about cancellation of enrolment

(1) This section applies if a principal gave a student a show cause notice under the pre-amended Act, section 317 before the commencement.

(2) The pre-amended Act continues to apply for the show cause notice as if the amending Act had not been enacted.

526 Cancellation of enrolment

(1) This section applies if a principal cancels the enrolment of a student at a school, under the pre-amended Act, section 320 either before or after the commencement.

(2) The enrolment of the student is taken to be cancelled under section 316(1) as in force after the commencement.

(3) The notice given to the student under the pre-amended Act, section 320(4) is taken to state the matters mentioned in section 318(2) as in force immediately after the commencement.

Part 8 Transitional provisions for Education and Other Legislation Amendment Act 2014

Division 1 Preliminary

527 Definitions for pt 8

In this part—

amending Act means the *Education and Other Legislation Amendment Act 2014*.

pre-amended Act means this Act as in force immediately before the commencement.

Division 2 Initial remaining allocation and extra semesters

528 Decision about initial remaining allocation or extra semesters

(1) This section applies if—

Not authorised—indicative only

Not authorised—indicative only

(a) before the commencement, a State school's principal made a decision (an ***original decision***) about a student under section 61(2) or 66(1); and

(b) either—

(i) immediately before the commencement, the principal had not given the student a notice under section 62(4)(b) or 66(3)(b), as the case requires; or

(ii) the principal gave the student the notice less than 14 days before the commencement.

(2) The pre-amended Act applies in relation to—

(a) the original decision; and

(b) the making of submissions against the original decision to the principal's supervisor; and

(c) the affirming, varying or setting aside of the original decision by the supervisor (a ***supervisor decision***); and

(d) any review of a supervisor decision.

Note—

See chapter 15, part 4 of the pre-amended Act for review of a supervisor decision by QCAT.

Division 3 International educational institutions

529 Cancellation of approval to operate international educational institution

(1) This section applies if, immediately before the commencement, a person had operated an international educational institution under the Governor in Council's approval under the repealed chapter.

(2) On the commencement, the approval is taken to be cancelled.

(3) In this section—

repealed chapter means chapter 18 as in force before the commencement.

Division 4 Mature age students

530 Application for mature age student notice

(1) This section applies if—

(a) an application for a mature age student notice was made under section 28 of the pre-amended Act; and

(b) immediately before the commencement, the application had not been decided under section 29 of that Act.

(2) The pre-amended Act continues to apply in relation to the application as if the amending Act had not been enacted.

531 Positive notices

(1) This section applies if—

(a) the chief executive issued a positive notice in relation to a mature age State school to a person under section 29(1)(a) or 42(7) of the pre-amended Act; and

(b) the notice is in force immediately before the commencement.

(2) Chapter 2, part 5 of the pre-amended Act continues to apply in relation to the positive notice as if the amending Act had not been enacted.

(3) To remove any doubt, it is declared that subsection (2) applies whether or not the mature age State school is a mature age State school on or after the commencement.

532 Negative notices

(1) This section applies if—

Not authorised—indicative only

Not authorised—indicative only

(a) the chief executive issued a negative notice to a person under section 29(1)(b) or 38(2) or (3) of the pre-amended Act; and

(b) the notice is in force immediately before the commencement.

(2) The pre-amended Act continues to apply in relation to the negative notice as if the amending Act had not been enacted.

533 Application for enrolment at mature age State school

(1) This section applies if—

(a) an application for enrolment at a mature age State school was made under section 155 of the pre-amended Act by a person with a current positive notice; and

(b) immediately before the commencement, the application had not been decided.

(2) The pre-amended Act continues to apply in relation to the application as if the amending Act had not been enacted.

(3) To remove any doubt, it is declared that subsection (2) applies whether or not the mature age State school is a mature age State school on or after the commencement.

534 Time limit on application for enrolment by person with negative notice

(1) This section applies—

(a) if—

(i) a person made an application under section 28 of the pre-amended Act for a mature age student notice in relation to a mature age State school; and

(ii) the chief executive decided the application by issuing the person with a negative notice; and

(b) if the chief executive has not made a review decision to cancel the negative notice and substitute a positive notice; and

(c) if the period of 1 year starting on the day after the day the person was notified about the decision mentioned in paragraph (a)(ii) has not ended before the commencement.

(2) The person is not eligible to apply for enrolment under section 155 as a mature age student of the mature age State school, or any other mature age State school, in the 1-year period.

535 Criminal history of mature age students

(1) This section applies if, immediately before the commencement—

(a) a person was a mature age student of a mature age State school; and

(b) the person was an adult on the day of enrolment at the school.

(2) Chapter 2, part 5, division 4 of the pre-amended Act continues to apply in relation to the person while the person is enrolled at the school as if the amending Act had not been enacted.

(3) To remove any doubt, it is declared that subsection (2) applies whether or not the mature age State school is a mature age State school on or after the commencement.

Division 5 Directions and prohibition orders

536 Reviews of particular existing directions

(1) This section applies if—

(a) a person was given a direction under section 337, 340 or 349 of the pre-amended Act; and

(b) immediately before the commencement, the person—

(i) had applied for a review of the direction and the application had not been decided; or

Not authorised—indicative only

Not authorised—indicative only

(ii) was entitled to apply for a review of the direction but had not applied.

(2) The pre-amended Act continues to apply in relation to—

(a) the direction; and

(b) any application for a review of the direction; and

Note—

See also sections 338 and 397 of the pre-amended Act.

(c) the confirming, cancelling, amending, setting aside, substituting or returning of the direction (a ***review decision***); and

(d) the giving of, or the failure to give, notice of the review decision.

Note—

See also section 356(3) and (4) of the pre-amended Act.

537 Existing applications for orders prohibiting persons from entering particular premises

(1) This section applies if—

(a) an application had been made under section 341(1) or 350(1) of the pre-amended Act; and

(b) immediately before the commencement, the application had not been decided.

(2) The pre-amended Act continues to apply in relation to—

(a) the application; and

(b) the giving of a notice in relation to the application; and

Note—

See also section 356(2) of the pre-amended Act.

(c) any order made by QCAT in relation to the application.

Note—

See also section 357(1) of the pre-amended Act.

538 Annual report of department to include report on particular orders made during 2014–15 financial year

(1) In the department's annual report for the 2014–15 financial year, the chief executive must include details of the number of orders made during that financial year under section 341 of the pre-amended Act.

(2) This section does not limit section 358.

539 Non-State school's governing body to give particular information to Minister for 2014–15 financial year

(1) A non-State school's governing body must, within 2 months after the end of the 2014–15 financial year, advise the Minister of the number of orders, relating to the school, made during that financial year under section 350 of the pre-amended Act, including the number made in relation to children.

(2) This section does not limit section 359.

Division 6 Other matters

540 Chief executive may cancel enrolment for particular students

(1) This section applies to a fee charged under section 52(2) of the pre-amended Act before the commencement.

(2) While the fee remains unpaid, the chief executive may cancel the enrolment of the person to whom the fee relates.

(3) The chief executive must, at least 14 days before the enrolment is cancelled, give the person notice that the chief executive intends to cancel the person's enrolment.

541 Distance education fees for 2014 and 2015 school years not payable by particular persons

(1) This section applies for a person who—

Not authorised—indicative only

Not authorised—indicative only

(a) immediately before the commencement—

(i) was a person mentioned in section 52(1)(a); and

(ii) lived in a State other than Queensland; and

(b) during the 2014 school year, enrols, or has enrolled, in a program of distance education at a State school for the 2015 school year.

(2) Section 52(2) and (3) does not apply to the person for the 2014 and 2015 school years.

Part 9 Transitional provision for Education and Other Legislation Amendment Act 2016

542 Particular enrolments for year 1 of schooling

(1) This section applies to—

(a) an application under section 155 to enrol a child in year 1 of schooling at a State school made before the commencement; or

(b) an application to enrol a child in year 1 of schooling at a non-State school made before the commencement.

(2) The school's principal must deal with the application under the Act as in force immediately before the commencement.

Part 10 Transitional provision for Education (Overseas Students) Act 2018

543 Cancellation of registration of child for home education

(1) This section applies if—

(a) the chief executive gave a parent of a child a show cause notice under the pre-amended Act, section 222 about the proposed cancellation of the registration of the child for home education; and

(b) immediately before the commencement, the chief executive had not—

(i) notified the parent, under the pre-amended Act, section 224(b) that no further action would be taken; or

(ii) given to the parent, under the pre-amended Act, section 225, an information notice about a decision to cancel the registration.

(2) The pre-amended Act continues to apply in relation to the proposed cancellation as if the *Education (Overseas Students) Act 2018* had not been enacted.

(3) In this section—

pre-amended Act means this Act as in force immediately before the commencement.

Part 11 Transitional and validation provisions for Education (General Provisions) and Other Legislation Amendment Act 2024

Division 1 Preliminary

544 Definitions for part

In this part—

amendment Act means the *Education (General Provisions) and Other Legislation Amendment Act 2024*.

Not authorised—indicative only

Not authorised—indicative only

former, 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.

new, for a provision of this Act, means the provision as in force from the commencement of the provision in which the term is used.

Division 2 Provisions for amendments commencing on assent

545 Application of new s 180 to pre-commencement information and decisions—compulsory schooling

New section 180 applies in relation to information whether the information came into existence, or relates to a decision made under section 189, before or after the commencement.

546 Child's eligibility to be provisionally registered or registered for home education

From the commencement—

(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

(b) new section 229A applies in relation to the ending of the child's registration.

547 Application of new s 251AB to pre-commencement information and decisions—compulsory participation in education or training

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.

Division 3 Provisions for amendments commencing by proclamation

Subdivision 1 Enrolment at State schools

548 Period for referral of existing applications under ch 8, pt 1, div 2

New section 156(2AA) applies only in relation to the referral of an application for enrolment made to the principal of a State school after the commencement.

549 Dealing with existing referrals of applications under ch 8, pt 1, div 2

(1) This section applies if—

(a) before the commencement, an application for enrolment of a prospective student was referred to the chief executive under former section 156(2); and

(b) immediately before the commencement, the chief executive had not—

(i) referred the application back to the principal under former section 158; or

(ii) given the applicant a show cause notice under former section 159.

(2) Former sections 158 and 159 continue to apply in relation to the prospective student and the application for enrolment as if the amendment Act, section 52 had not commenced.

550 Applications for enrolment—special schools

(1) This section applies if—

(a) before the commencement, an application for enrolment of a prospective student at a special school was made

Not authorised—indicative only

Not authorised—indicative only

and referred to the chief executive under former section 156(3); and

(b) immediately before the commencement, the application had not been—

(i) dealt with under section 167; or

(ii) referred back to the principal under section 166(2) and decided by the principal under former section 156; or

(iii) withdrawn.

(2) The application must be decided under former chapter 8, part 1 as if the amendment Act had not been enacted.

551 Existing show cause process under ch 8, pt 1, div 2 if accepted representations not received

(1) This section applies if—

(a) before the commencement, the chief executive gave the applicant a show cause notice under former section 159; 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 161; or

(B) a decision to refuse enrolment of the student at the school under former section 162.

(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.

552 Obligation to provide educational program in relation to new referrals

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.

Subdivision 2 Home education

553 Provisional registration and applications for provisional registration for home education—former s 207

(1) This section applies—

(a) if—

(i) before the commencement, an application was made under former section 207 for provisional registration of a child for home education; and

(ii) immediately before the commencement, the chief executive had not notified the applicant that the child was provisionally registered for home education; or

(b) if—

(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;

Not authorised—indicative only

Not authorised—indicative only

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

555 Child registered for home education

(1) This section applies in relation to a child who, immediately before the commencement, was registered for home education under former chapter 9, part 5.

(2) From the commencement, new chapter 9, part 5, divisions 4 to 6 applies in relation to the child's registration for home education.

556 Applications for review—decisions about home education

(1) This section applies if—

(a) before the commencement a person was given, or entitled to be given, an information notice about a decision made under former chapter 9, part 5; and

(b) immediately before the commencement—

(i) the person had not made an application under former section 391 for a review of the decision; and

(ii) the period stated in former section 391(1) had not expired; and

(iii) the chief executive had not extended the time for making the application under former section 391(2).

(2) The person may apply for a review of the decision within the later of the following periods to end—

(a) the period mentioned in former section 391(1)(a);

(b) the period mentioned in new section 391(1)(a)(i).

557 Review decisions—decisions about home education

(1) This section applies if—

(a) before the commencement—

(i) a person was given, or entitled to be given, an information notice for a decision made under former chapter 9, part 5; and

(ii) the person applied under former section 391 for a review of the decision; and

(b) immediately before the commencement the review had not been decided.

(2) The chief executive must make a review decision within the earlier of the following periods to end—

(a) the period mentioned in former section 392(2);

(b) the period mentioned in new section 392(2)(a).

558 Confidentiality—provisional registration

(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—

Not authorised—indicative only

Not authorised—indicative only

(a) who is or was provisionally registered for home education, under former section 207, including as that section is applied under section 553; or

(b) for whom an application for provisional registration for home education had been made under former section 207.

(2) Former section 426 continues to apply to the person as if the amendment Act had not been enacted.

Note—

See also section 579.

Subdivision 3 Suspension, exclusion and cancellation of enrolment of State school students

559 Notice about and submissions against existing suspensions

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.

560 Short suspensions before commencement included in total period for suspensions starting after commencement

(1) This section applies in relation to the short suspension of a student that starts after the commencement.

(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.

(3) In this section—

short suspension see new section 285(5).

561 Reviews not started of decisions to suspend

(1) This section applies if—

(a) immediately before the commencement—

(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

(ii) the period within which the person could make the submission had not ended; and

(b) after the commencement and within the period mentioned in subsection (1)(a)(ii), the person makes a submission against the suspension.

(2) The chief executive must decide the review as if the amendment Act, section 77 had not commenced.

562 Existing reviews of decisions to suspend

(1) This section applies if—

(a) before the commencement, a person made a submission against the suspension of a student to the chief executive under former section 285; and

(b) immediately before the commencement, the review of the suspension had not been decided under former section 286.

(2) The chief executive must decide the review as if the amendment Act, section 77 had not commenced.

563 Periods for deciding whether to exclude student with existing charge-related suspensions etc.

(1) This section applies if—

(a) before the commencement—

(i) the principal of a State school suspended a student on a charge-related ground under section 281; and

Not authorised—indicative only

Not authorised—indicative only

(ii) the charge to which the suspension related had been dealt with; and

(b) immediately before the commencement, the principal had not decided under former section 288 whether to propose to exclude the student from the school.

(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.

564 Periods for telling student and giving notice about existing decisions to end charge-related suspensions early

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.

565 Existing proposed exclusion by principal

(1) This section applies if—

(a) before the commencement, the principal of a State school told a student, or gave the student a notice, under former section 293 about the proposed exclusion of the student from the school; and

(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.

(2) Former sections 293 and 295 continue to apply in relation to the proposed exclusion as if the amendment Act had not been enacted.

566 Existing proposed exclusion by chief executive

(1) This section applies if—

(a) before the commencement, the chief executive proposed to exclude a student under former section 300; and

(b) immediately before the commencement, the chief executive had not taken both of the following steps—

(i) given the student a notice about the proposed exclusion under former section 300(2);

(ii) told the student about the student's suspension in accordance with former section 300.

(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.

567 Existing show cause process under ch 12, pt 3, div 5 if accepted representations not received

(1) This section applies if—

(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.

Not authorised—indicative only

Not authorised—indicative only

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 review as if the amendment Act had not been enacted.

Subdivision 4 State school kindergarten programs

571 Existing kindergarten learning program

(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.

(2) On the commencement, the program is taken to be a State school kindergarten program—

(a) approved by the Minister under new section 419A(1); and

(b) provided by the State at the prescribed State school under new section 419A(2).

572 Existing registrations in kindergarten learning program

(1) This section applies to a child who was, immediately before the commencement, registered in a kindergarten learning program at a prescribed State school.

(2) On the commencement, the child is a kindergarten student enrolled at the prescribed State school.

573 Existing applications for registration in kindergarten learning program

(1) This section applies if—

Not authorised—indicative only

Not authorised—indicative only

(a) before the commencement, a person made an application for registration of a 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 kindergarten learning program approved by the Minister under former section 419E that was, immediately before the commencement, being provided by a State school.

(2) To remove any doubt, it is declared that the program continues to be a distance education kindergarten learning program for

new section 419E, despite the amendment of that section by the amendment Act, section 109.

576 Existing applications for registration in distance education kindergarten learning program

(1) This section applies if—

(a) before the commencement, a person made an application for the registration of a kindergarten age child in a distance education kindergarten learning program under former section 419F; and

(b) immediately before the commencement, the application had not been decided or withdrawn.

(2) The application must be decided under new section 419F.

577 Reviews not started of refusal to grant registration in distance education kindergarten learning program

(1) This section applies if—

(a) immediately before the commencement—

(i) a person could have, but had not, applied to the chief executive under former section 419G for a review of a decision, under former section 419F, to refuse to grant an application for registration in a distance education kindergarten learning program; and

(ii) the period within which the person could apply for the review had not ended; and

(b) after the commencement and within the period mentioned in subsection (1)(a)(ii), the person applies for the review.

(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.

Not authorised—indicative only

Not authorised—indicative only

578 Existing reviews of refusal to grant registration in distance education kindergarten learning program

(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.

(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.

579 Confidentiality—kindergarten learning programs

(1) This section applies if—

(a) immediately before the commencement, former section 426 applied to a person in relation to personal information about a child—

(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.

(5) In this section—

kindergarten program means any of the following programs—

(a) a kindergarten learning program under former section 419A;

(b) a State school kindergarten program under new section 419A;

(c) a distance education kindergarten learning program under former section 419E or new section 419E.

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.

student, of a kindergarten program, means a child registered or enrolled in a kindergarten program, including a kindergarten student.

Not authorised—indicative only

Not authorised—indicative only

Subdivision 5 Transfer notes

581 Transfer notes requested before commencement—cessation of enrolment

(1) This section applies if—

(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

(b) immediately before the commencement, the school's principal had not complied with former section 386(2) or (4) in relation to the request.

(2) Former section 386 continues to apply in relation to the request as if the amendment Act had not been enacted.

582 Transfer notes requested before commencement—application for enrolment

(1) This section applies if—

(a) before the commencement, the principal of a new school gave a notice under former section 387(3) asking for a transfer note for a former student or continuing student of a State school or non-State school; and

(b) immediately before the commencement—

(i) the previous school's principal had not complied with former section 387(4) in relation to the request and the period for complying had not ended under that section; or

(ii) the new school's principal had not given notice under former section 387(5) or (7) that the first notice had been given under former section 387(3); or

(iii) the new school's principal had not complied with former section 387(8) or (10) in relation to a request made under either subsection.

(2) Former section 387 continues to apply in relation to the request as if the amendment Act had not been enacted.

Subdivision 6 Approved online services

583 Confidentiality—approved online services

(1) For section 426A(1), a reference to personal information about a student of a State school includes a reference to personal information that the public service employee gained, or had access to, before the commencement.

(2) For section 426A(2), a reference to personal information about a student of a State school includes a reference to personal information that came into existence before the commencement.

Subdivision 7 Validation provision

584 Existing campus associations

(1) This section applies if—

(a) before the commencement, an association (a ***former association***) was formed for a former school before the school's closure; and

(b) immediately before the closure of the former school, the former association performed the functions of an association under this Act for the school; and

(c) from the closure of the former school, the former association purported to continue in existence as if it were an association formed for Tagai State College.

(2) The former association is taken to be, and to have been during the transitional period, a campus association formed for Tagai State College.

(3) For subsection (2)—

Not authorised—indicative only

Not authorised—indicative only

(a) chapter 7, part 11 applies as if it had taken effect on 1 January 2007; and

(b) Tagai State College is taken to have been a regional State school during the transitional period.

(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.

(5) In this section—

former school means a State school that, before the commencement, was closed and amalgamated with other schools to form Tagai State College.

transitional period means the period starting on 1 January 2007 and ending immediately before the commencement.

Schedule 4 Dictionary

section 8

accepted representations—

(a) for chapter 8, part 1, division 2—see section 160(2); or

(b) for chapter 9, part 3, division 4—see section 195(2); or

(c) for chapter 9, part 5, division 5—see section 223(2); or

(d) for chapter 12, part 3, division 5—see section 307(2); or

(e) for chapter 12, part 3, division 8—see section 318(2).

advisory committee means an advisory committee established under section 412.

aggrieved person, for chapter 15, part 4, see section 401.

allowance, for chapter 13, see section 367.

allowance acquittal details, for a non-State school for a year, means details of how an allowance has been expended, during the year, by the school's governing body.

alternative association member, for chapter 6, see section 77.

annual report, for the department, means the department's annual report under the *Financial Accountability Act 2009*.

appellant see section 397.

appointed member, for chapter 6, see section 77.

approved form means a form approved by the chief executive under section 433.

approved policy, for chapter 13, see section 367.

AQF means the Australian Qualifications Framework within the meaning of the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

association means—

Not authorised—indicative only

Not authorised—indicative only

(a) a parents and citizens association formed for a State instructional institution under section 118; or

(b) an interim parents and citizens association formed for a proposed State instructional institution under section 119; or

(c) for a regional State school—a campus association formed under section 154C for a campus of the school; or

(d) for a proposed campus of a regional State school or a proposed regional State school—an interim campus association formed under section 154D for the proposed campus.

at, in relation to premises, includes in or on the premises.

attending, a provider or other entity, means complying with the provider or entity's attendance requirements in the relevant way stated in section 234(2) or (3).

attributes, of a child, means the child's—

(a) aptitude and ability; and

(b) social and emotional competence; and

(c) physical development; and

(d) level of knowledge and understanding.

authorised officer, for chapter 16, part 1, see section 404.

basic allocation see section 11(1).

board means the Non-State Schools Accreditation Board continued in existence under the *Education (Non-State Schools Accreditation) Act 2017*, section 97(1).

campus association see section 154B.

catchment area, for chapter 8, part 3, see section 169.

certificate III means a qualification by that name under the AQF.

certificate IV means a qualification by that name under the AQF.

certificate of achievement see the E(QCAA) Act, schedule 1.

chairperson, for chapter 6, see section 77.

charge, for an offence, in relation to a charge made outside Queensland, means any allegation of an offence made in a way that is the same as, or substantially the same as, a charge under the law of Queensland.

charge-related ground see section 282(4).

chief executive (child safety) means the chief executive of the department in which the *Child Protection Act 1999* is administered.

chief executive (transport), for chapter 3, see section 48.

closure, for chapter 2, part 3, see section 17.

compulsory participation phase see section 231.

compulsory school age see section 9.

conduct, for chapter 12, part 3, see section 280.

convicted, of an offence, means being found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction is recorded.

coopted student member, for chapter 6, see section 77.

corresponding law, for chapter 3, see section 48.

criminal history, of a relevant mature age student, for chapter 8A, see section 175A.

dealt with, for chapter 12, part 3, see section 280.

director, for chapter 12, part 10, see section 364.

disability, in relation to a person, for chapter 12, part 3, see section 280.

distance education means education provided where students and teachers are not regularly in the presence of each other for that purpose but communicate with each other in writing, by print or by electronic means.

distance education kindergarten learning program means a program approved under section 419E.

Not authorised—indicative only

Not authorised—indicative only

educational program includes—

(a) for a reference to an educational program provided under this Act—

(i) a program under arrangements approved under section 183; and

(ii) a State school kindergarten program; or

(b) for a reference to an educational program provided under the *Education (Accreditation of Non-State Schools) Act 2017*—a program under arrangements approved under section 182.

effective enrolment eligibility plan, for chapter 8, part 4, see section 173.

effective enrolment management plan, for chapter 8, part 3, see section 169.

elected member, for chapter 6, see section 77.

elected parent member, for chapter 6, see section 77.

elected staff member, for chapter 6, see section 77.

elected student member, for chapter 6, see section 77.

eligible option see section 232.

employee—

(a) for chapter 12, part 5—see section 335; or

(b) for chapter 12, part 6—see section 343; or

(c) for chapter 12, part 10—see section 364.

enrolment eligibility plan, for chapter 8, part 4, see section 173.

enrolment management plan, for chapter 8, part 3, see section 169.

E(QCAA) Act means the *Education (Queensland Curriculum and Assessment Authority) Act 2014*.

exclude, a student from a State school, means prohibit the student from enrolling at the school while the exclusion is in force.

excluded person see section 311.

exclusion decision see section 312(1).

exemption, for chapter 9, part 3, see section 184.

exempt person—

(a) for chapter 12, part 5—see section 335; or

(b) for chapter 12, part 6—see section 343.

external program means—

(a) an educational program under section 284, 294 or 301; or

(b) a program under arrangements approved under section 182 or 183; or

(c) another program or course for which the provider's requirements do not include physically attending, at particular times, the provider's premises or another place.

financial data, for a non-State school in receipt of subsidy, means the following—

(a) details of the school's recurrent income;

(b) details of the school's capital income;

(c) details of the school's recurrent expenses;

(d) details of the school's capital expenses;

(e) details of the school's profit or loss in carrying out each of its incidental business activities;

(f) details of the school's loans;

(g) other financial details, for the school, prescribed under a regulation.

former school, in relation to a student enrolled at a new school, for chapter 14, part 2, division 2, see section 388A.

former student, for chapter 14, see sections 385(1)(a) and 386(1)(c).

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full-time, in relation to participation in an eligible option, means at a level that is full-time under the following provisions—

(a) for an apprenticeship or traineeship under the *Further Education and Training Act 2014*—section 238(2);

(b) otherwise—section 235.

head of campus, for a campus of a regional State school, for chapter 7, part 11, see section 154B.

home education, for chapter 9, part 5, see section 205.

human services includes education, family support, health and housing.

human services entity means a Commonwealth, State or local government entity with functions relating to human services.

information includes a document.

information notice, for a decision, is a notice stating the following—

(a) the decision;

(b) the reasons for the decision;

(c) that the person to whom the notice is given may have the decision reviewed within 30 school days;

(d) how the person may have the decision reviewed.

kindergarten student see section 419B(1).

mature age State school means a State school listed on the department's website as a mature age State school.

mature age student, of a mature age State school, means an adult enrolled at the school.

model constitution see section 96.

nearest applicable school, for chapter 3, see section 48.

new school, for chapter 14, part 2, division 2, see section 388(a).

nominated person, for chapter 7, part 10, see section 149.

non-departmental employment skills development program means a program included in the register maintained under the *Further Education and Training Act 2014*, section 109.

non-State school means an accredited school under the *Education (Accreditation of Non-State Schools) Act 2017*.

non-State school in receipt of subsidy means an operating non-State school, the governing body of which is eligible for Government funding for the school under the *Education (Accreditation of Non-State Schools) Act 2017*.

notice means written notice.

notice of removal, for chapter 7, part 10, see section 149.

offence, for chapter 12, part 3, see section 280.

officer, of an association, means a person elected to an office of the association under section 123.

official member, for chapter 6, see section 77.

original decision, for chapter 15, part 1, see section 390.

parent—

(a) generally—see section 10; or

(b) for chapter 12, part 3, division 9—see section 328.

parents and citizens association means a parents and citizens association formed under chapter 7.

participating, in an eligible option, means participating under the following provisions—

(a) for an apprenticeship or traineeship under the *Further Education and Training Act 2014*—section 238(2);

(b) otherwise—section 234.

permanent resident, for chapter 3, see section 48.

person with a disability—

(a) for chapter 8, part 1, division 3—see section 165; or

(b) otherwise—see section 420(5).

planning activities see section 6(a).

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premises includes a building together with surrounding land.

preparatory year means the year of schooling immediately before year 1.

prescribed State school see section 419A(2).

president, of an association, means the president of the association elected under section 123.

previous school, for chapter 14, part 2, division 2, see section 388(a).

primary education means education offered in the preparatory year and years 1 to 6.

principal, of a non-State school with no position by that name, means the person responsible for the school's day-to-day management.

principal's supervisor, in relation to the principal of a State instructional institution, means the officer employed in the department who holds the position as the principal's supervisor.

prospective student see section 155(1).

provider—

(a) generally for chapter 10—see section 232; and

(b) in a provision about an eligible option—means the provider for the option.

provisional registration, for chapter 9, part 5, see section 205.

QCAA means the Queensland Curriculum and Assessment Authority established under the E(QCAA) Act, section 5(1).

reasonably satisfied means satisfied on reasonable grounds.

reasonably suspects means suspects on grounds that are reasonable in the circumstances.

re-engagement activities see section 6(b).

regional State school see section 154A(2).

registered teacher see the *Education (Queensland College of Teachers) Act 2005*, schedule 3.

registered training organisation see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

registration, for chapter 9, part 5, see section 205.

related document, in relation to a transfer note, for chapter 14, see section 383.

relevant agreement, for chapter 7, part 8, see section 136.

relevant decision-maker—

(a) for chapter 9, part 3—see section 186(1); or

(b) for chapter 10, part 5—see section 245(1).

relevant mature age student, of a mature age State school, for chapter 8A, see section 175A.

relevant person, for chapter 12, part 10, see section 364.

remaining allocation see section 11(3).

remote area see section 49.

remove, for chapter 7, part 10, see section 149.

removed person, for chapter 7, part 10, see section 149.

review body, of a non-State school, for chapter 12, part 6, see section 343A.

review decision, for chapter 15, see section 392(6).

school council, for a State school, means the school council established for the school under section 79.

school day means any day on which a school is operating as a school.

school in receipt of subsidy means—

(a) a State school; or

(b) a non-State school in receipt of subsidy.

school of distance education means—

(a) a State school providing distance education; or

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(b) a non-State school accredited under the *Education (Accreditation of Non-State Schools) Act 2017* to provide distance education.

school studies see the E(QCAA) Act, schedule 1.

secondary education means education offered in years 7 to 12.

semester means semester 1 or semester 2.

semester 1 means the period notified by the Minister in the gazette as semester 1.

semester 2 means the period notified by the Minister in the gazette as semester 2.

senior statement means a statement of results of that type issued under the E(QCAA) Act.

serious offence see the *Working with Children (Risk Management and Screening) Act 2000*, section 15.

sexual abuse, in relation to a relevant person, for chapter 12, part 10, see section 364.

show cause notice—

(a) for chapter 8, part 1, division 2—see section 158(3); or

(b) for chapter 9, part 3, division 4—see section 194(1); or

(c) for chapter 9, part 5, division 5—see section 222(1); or

(d) for chapter 12, part 3, division 5—see section 306(1); or

(e) for chapter 12, part 3, division 8—see section 317(2); or

(f) for chapter 13, part 4—see section 376(2).

show cause period—

(a) for chapter 8, part 1, division 2—see section 159(1)(d); or

(b) for chapter 9, part 3, division 4—see section 194(2)(d); or

(c) for chapter 9, part 5, division 5—see section 222(2)(d); or

(d) for chapter 12, part 3, division 5—see section 306(1)(d); or

(e) for chapter 12, part 3, division 8—see section 317(2)(d); or

(f) for chapter 13, part 4—see section 376(2)(d).

special education means the educational programs and services—

(a) appropriate to the needs of persons with a disability; and

(b) additional to, or otherwise different from, educational programs and services generally available to persons of the relevant age who are not persons with a disability.

special school means a State school only providing special education.

standard conditions of registration, for chapter 9, part 5, see section 205.

stated State school, for chapter 4, part 5, see section 70.

State educational institution means an educational institution established under section 13, 14 or 15.

State instructional institution means an educational institution established under section 13 or 14.

State school means an educational institution established under section 13.

State school kindergarten program see section 419A(1).

student—

(a) for chapter 4—see section 57; or

(b) for chapter 12, part 3, division 9—see section 328.

student support plan see section 321(2).

student visa holder means a person who holds a student visa issued under the *Migration Act 1958* (Cwlth).

suspend, a student from a State school, means prohibit the student from attending the school while the suspension is in force.

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TAFE Queensland means TAFE Queensland established under the *TAFE Queensland Act 2013*, section 5(1).

teacher see the *Education (Queensland College of Teachers) Act 2005*, schedule 3.

transfer note, for a student or former student of a State school or non-State school, for chapter 14, see section 384.

Not authorised—indicative only