

Education (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purpose of the Act which is to make miscellaneous amendments to the **Education Act 1958**.

Clause 2 provides for provisions of the Act to come into operation on the day it receives the Royal Assent and for the remainder to come into operation on a day or days to be proclaimed.

Clause 3 defines the **Education Act 1958** as the Principal Act to which these amendments apply.

Clause 4 inserts the definitions of “approved auditor”, “designated school”, “Director”, “head teacher”, “overseas student” and “principal”.

Clause 5 inserts a delegation power for the Minister.

Clause 6 amends section 13 (10) to provide an immunity to the Crown in respect of the actions of school councils.

Clause 7 inserts new sections 14A to 14C to empower the Minister to issue directions to school councils, to limit a school council’s ability to issue legal proceedings, and to provide an indemnity for school council members.

Clause 8 amends section 15F to provide that audits of school council accounts are to be undertaken by an approved auditor.

Clause 9 inserts a new section 15FA to empower the Director to appoint a person to carry out an effectiveness and efficiency review of a school council.

Clause 10 inserts a new Division 3A thereby enabling the Minister to declare any State school to be a designated school, the effect of which is that a school charter will be entered into between the school council and the Director of School Education, and under section 15N the school council will be empowered to enter into contracts for services to the school.

Clause 11 inserts a new section 21A and 21B to limit the right to review the Minister’s decision to discontinue a State school, and to limit the liability of the State in respect of persons who continue to occupy discontinued State school sites.

Clause 12 amends section 22 to provide in specified learning areas that the instruction of pupils at State schools, other than overseas students, shall be free.

Clause 13 inserts new sections 25 to 25B dealing with the suspension and expulsion of students, the fees to be paid by overseas students attending State schools, and for schools to be able to use general purpose funding for any school purpose.

Clause 14 inserts a new section 26A to empower the Minister to enter into contracts to provide educational or other related services.

Clause 15 inserts a new section 81A, providing for a limitation of the jurisdiction of the Supreme Court.

Clause 16 inserts a new section 84 dealing with the general provisions relating to Ministerial Orders.

Clause 17 substitutes the Second Schedule.

Clause 18 makes consequential amendments due to the new definitions of principal and head teacher.