



Queensland

*Education (General Provisions) Act 1989*

# Education (General Provisions) Regulation 2000

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Reprint No. 3E

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

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# **Education (General Provisions) Regulation 2000**

[as amended by all amendments that commenced on or before 1 July 2006]

## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Education (General Provisions) Regulation 2000*.

### **2 Commencement**

This regulation commences on 1 July 2000.

### **3 Definitions**

The dictionary in schedule 3 defines particular words used in this regulation.

### **4 Chief executive may give directions and guidelines**

- (1) The chief executive may give directions or guidelines to a principal, teacher or other person about a function or power given to the principal, teacher or other person under this regulation.
- (2) The principal, teacher or other person must comply with the directions or guidelines.

## **Part 2                      School management**

### **5                      Management of school**

- (1) The principal of a State school is the person in charge of the school.
- (2) The principal must manage the school in a way that—
  - (a) ensures effective, efficient and appropriate management of public resources; and
  - (b) promotes a safe, supportive and productive learning environment; and
  - (c) supports and monitors the academic progress of all students at the school.
- (3) Without limiting subsection (1), the principal must—
  - (a) promote educational practices at the school that lead to the improvement of student learning outcomes; and
  - (b) provide for the effective administration of matters about the students at the school; and
  - (c) promote organisational and staffing structures at the school that encourage staff members to become, and continue to be, skilled, confident and responsible; and
  - (d) promote continuous evaluation and improvement of the school's operations and delivery of services.

### **6                      Management of staff**

The principal of a State school must—

- (a) allocate and supervise the work of each staff member; and
- (b) promptly report to the chief executive, in writing, about insubordination or suspected misconduct by a staff member; and
- (c) encourage teachers to use appropriate teaching techniques.



**7 Work of staff outside period allocated for instruction**

- (1) The principal of a State school may require a staff member to work outside the period allocated for instruction on a school day if the principal considers it necessary and reasonable in the circumstances.
- (2) Without limiting subsection (1), the principal may require the staff member—
  - (a) to attend a staff meeting outside the period allocated for instruction on a school day; and
  - (b) if the member is a teacher or a teacher aide—to supervise the activities of students.

**8 Teachers to perform allocated duties etc.**

A teacher in a State school must—

- (a) perform the duties allocated to the teacher by the principal; and
- (b) take an active interest in extracurricular activities of the school; and
- (c) engage in professional development activities.

**9 Charge of school in temporary absence of principal**

If the principal of a State school is absent from the school, one of the following persons must assume the duties and responsibilities of the principal during the principal's absence until otherwise directed by the chief executive—

- (a) a deputy principal;
- (b) if the principal or the principal's supervisor nominates another staff member—the other staff member.

## **Part 3 Property management**

### **10 Permission to use State educational institutions**

- (1) A person may apply in writing to either of the following for permission to use a State educational institution—
  - (a) the Minister;
  - (b) an authorised officer.
- (2) Also, if the applicant wants to use the State educational institution for a social function at which liquor is to be consumed, the application must include a request for approval to take liquor onto the premises.
- (3) If the Minister or authorised officer decides to approve the application, the Minister or authorised officer must promptly give the applicant written notice of the approval.
- (4) Approval under subsection (3) may be subject to reasonable conditions.

### **11 Agreement of parents and citizens association**

- (1) This section applies if—
  - (a) an application to take liquor onto premises relates to premises that are a State school; and
  - (b) the school has a parents and citizens association.
- (2) The Minister or authorised officer may approve the application only if the parents and citizens association has agreed to—
  - (a) the social function being held on the premises; and
  - (b) liquor being taken onto the premises; and
  - (c) any proposed conditions of approval.

### **12 Liquor not to be taken onto premises in dry places**

- (1) The Minister or authorised officer must not approve an application to take liquor onto premises if the premises are a dry place or are part of a dry place.

(2) In this section—

**dry place** means a place declared under the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 96, or the *Community Services (Torres Strait) Act 1984*, section 94,<sup>1</sup> as a dry place.

### **13 Approval for liquor to be taken onto premises in restricted areas**

(1) The Minister or authorised officer may approve an application for a person to take liquor onto premises in a restricted area only if—

(a) the application relates to a social function and the person holds a restricted area permit authorising the person to possess liquor in the restricted area for the social function; or

(b) for a person who does not hold a restricted area permit mentioned in paragraph (a)—the quantity of liquor the person may take onto the premises under the approval is not more than the prescribed quantity of liquor for the restricted area.

(2) If the Minister or authorised person approves an application under subsection (1)(a), the approval must be—

(a) only for the times stated in the restricted area permit; and

(b) subject to any other conditions to which the permit is subject.

(3) In this section—

**prescribed quantity**, of liquor, means the quantity of liquor, stated in a regulation made under the *Liquor Act 1992*, section

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<sup>1</sup> *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 28 (Declaration) and *Community Services (Torres Strait) Act 1984*, section 94 (Declaration)

*Aboriginal Communities (Justice and Land Matters) Act 1984*, section 96 was renumbered as section 28 under the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 189.

173H,<sup>2</sup> that a person may have in possession in a public place in a restricted area without a restricted area permit.

**public place** see the *Liquor Act 1992*, section 4.<sup>3</sup>

**restricted area** means an area declared under the *Liquor Act 1992*, section 173G(1),<sup>4</sup> to be a restricted area.

**restricted area permit** means a restricted area permit granted and held under the *Liquor Act 1992*.<sup>5</sup>

## 14 Care of property

- (1) A principal, deputy principal, teacher or other person who is in control of, or responsible for managing, any property of a State educational institution must take reasonable steps to care for the property.

- (2) In this section—

**property** means any real or personal property that is, or forms part of, the premises or equipment of the institution.

## Part 4 Student administration

### 15 Age for enrolment at a State preschool centre

- (1) The principal of a State preschool centre may enrol a child at the centre if the child will reach 4 years or more on or before 31 December in the year before enrolment.
- (2) Also, the principal may enrol a child who is less than 4 years if the child has been enrolled in a formal education program in another State or country and the principal's supervisor is

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2 *Liquor Act 1992*, section 173H (Declaration of prohibition of possession of liquor in restricted area)

3 *Liquor Act 1992*, section 4 (Definitions)

4 *Liquor Act 1992*, section 173G (Declaration of restricted area)

5 See the *Liquor Act 1992*, section 97(f) (Available permits).

satisfied the child would be disadvantaged educationally by not being enrolled in a State preschool centre.

## **16 Age for enrolment at a State primary school**

- (1) The principal of a State primary school may enrol at the school a child who is under 6 years at the beginning of a school year if the child will reach 5 years on or before 3 December in the year before enrolment.
- (2) Also, the principal may enrol a child who is less than 5 years on 31 December in the year prior to enrolment if the principal's supervisor is satisfied the child would be disadvantaged educationally by not being enrolled in a State primary school.

## **17 Evidence of date of birth to be produced**

A parent of a child must produce documentary evidence of the date of birth of the child if asked to do so by the principal of a State school at which the child is enrolled or to be enrolled.

## **18 Leave of absence**

- (1) This section applies if a parent advises the principal of a State school that the parent wants the student to receive medical or dental treatment or specialised instruction during a school day.
- (2) The principal may give the student leave of absence.
- (3) The principal may require the advice to be in writing.
- (4) In this section—

*specialised instruction* means instruction or training in a subject or activity that is not one of the student's normal school subjects or activities.

## **19 Unauthorised absences**

- (1) This section applies if a student enrolled at a school is absent from the school on a regular or continued basis and the

principal of the school has not given the student leave of absence (an ***unauthorised absence***).

- (2) The principal must record the unauthorised absence in a way approved by the chief executive.
- (3) The principal must tell the student's parent, if practicable, in writing, about the unauthorised absence and ask the parent the reason for the unauthorised absence.
- (4) After telling the student's parent about the unauthorised absence, the principal may report the unauthorised absence to a relevant authority if the principal considers it is appropriate to do so.
- (5) In this section—

***relevant authority*** means an entity of the State to whom it is appropriate to report an unauthorised absence, including a police officer and the department in which the *Child Protection Act 1999* is administered.

## **21 Good behaviour of students**

- (1) The principal of a State school must take reasonable steps to ensure the standard of behaviour of all students is clearly defined and monitored while the student is under the principal's care and control.
- (2) Without limiting subsection (1), the principal must ensure students are effectively supervised by teachers.

## **22 Detention of students**

- (1) The principal or a teacher at a State school may detain a student as punishment for disobedience, misconduct, wilful neglect to prepare homework or for other breaches of school discipline.
- (2) A period of detention must not be more than—
  - (a) 20 minutes during the lunch recess; or
  - (b) one half hour after the school program for the day is finished.

**23 Homework**

- (1) A teacher at a State school may require a student to undertake homework.
- (2) The principal of the school may decide what is a reasonable amount to be required as homework.

**24 Transfer of student**

- (1) A parent who wishes to transfer his or her child's enrolment from one State school to another must apply in writing to the principal of the school at which the child is enrolled stating the name of the school to which the transfer of enrolment is sought.
- (2) A principal who receives an application under subsection (1) must—
  - (a) issue a transfer in the approved form; and
  - (b) give a copy of the transfer to the student for presentation to the principal of the State school to which the student is transferred; and
  - (c) keep a record of the information stated in the transfer.
- (3) This section does not apply to the following transfers—
  - (a) from a State preschool centre to another State preschool centre;
  - (b) from a State preschool centre to a State primary school;
  - (c) from a State primary school to a State secondary school.

**25 Dealing with student records for students transferring from primary school to secondary school**

- (1) Before the end of a school year, the principal of a State primary school must give all records for students who will transfer to a State secondary school in the following school year to the relevant State secondary school.
- (2) The principal of a State primary school must keep the records for students of the school transferring to a non-State secondary school.

**26 Requests for student records**

- (1) This section applies if a principal of a State school (a *State principal*) receives a request from a principal of a non-State school (a *non-State principal*) for the records for a student who was enrolled at the State school and is enrolled or intends to enrol at the non-State school.
- (2) The State principal must forward a copy of the records for the student to the non-State principal.
- (3) However, this section does not apply to the principal of a State school that is a special school.
- (4) Also, if a non-State principal receives a copy of records relating to a student who is not, or is not likely to be, enrolled at the non-State school, the non-State principal must promptly return the copy to the State principal.

**Part 5 Religious instruction****27 Application for approval of representative**

An application under section 26(1)<sup>6</sup> of the Act for approval as an accredited representative must be in writing.

**28 Approval to be produced**

If asked by the principal of a State school, an accredited representative at the State school must produce an approval given to the representative under section 26(1) of the Act.

**29 Authorised religious instruction**

A minister of religion or an accredited representative may give only religious instruction approved by the religious denomination or religious society the minister or accredited representative represents.

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6 Section 26 (Religious instruction in school hours) of the Act



**30 Time for religious instruction**

The principal of a State school must fix the day on which religious instruction is given each week.

**31 Students to attend religious instruction**

- (1) The principal of a State school must not allow a student to attend religious instruction given by a minister of religion or an accredited representative other than the denomination or society of which the student is a member, unless the student's parent has given written consent.
- (2) However, students may attend classes arranged for students of more than 1 denomination or society by agreement of the ministers of the denominations or societies concerned.

**32 Bringing and leaving sectarian publications on State school premises**

- (1) A person other than a minister of religion or an accredited representative must not bring onto, or use on, State school premises any denominational or society publication.
- (2) A minister of religion or an accredited representative must not leave on State school premises any denominational or society publication used by the minister or accredited representative for religious instruction.

**33 Students withdrawn from religious instruction**

The principal of a State school must arrange for a student who has been withdrawn from all religious instruction by the student's parent to receive other instruction in a separate location during the period arranged for religious instruction.

**34 Register of ministers and accredited representatives**

The principal of a State school must keep a register of the ministers of religion or accredited representatives who attend the school and the dates and times of the ministers' or representatives' attendance.

**35 Selected Bible lessons**

The principal of a State primary or State special school may arrange a period of one half hour a week for religious instruction in selected Bible lessons.

**Part 6 Parents and citizens associations****36 Formation of an association**

- (1) The principal of a State school may call a meeting of parents and citizens to consider the formation of a parents and citizens association for the school.
- (2) If the persons present at the meeting decide an association should be formed, it must be formed by the election from among the persons of the following officers—
  - (a) a president;
  - (b) at least 1 vice-president;
  - (c) a secretary;
  - (d) a treasurer;
  - (e) any other officers decided by the persons present at the meeting.
- (3) However, subsections (1) and (2) do not apply if an interim association has been formed.
- (4) If an interim association is formed, it must be formed in the same way as an association, except that the meeting to consider the formation of the interim association may be called by the principal's supervisor.
- (5) An interim association is subject to this part unless a contrary intention appears.

**37 Name of an association**

An association must be known by the name the (name of school) Parents and Citizens Association or the (name of proposed school) Interim Parents and Citizens Association.

**38 Constitution**

- (1) The members of an association must frame a constitution as soon as is practicable after the association is formed.
- (2) In framing the constitution, the association must consider the model constitution approved by the chief executive.
- (3) The constitution must include provisions about the following—
  - (a) the conduct of annual general, general and special meetings;
  - (b) the functions of the officers;
  - (c) the procedures about the accounts of the association.

**39 Amendment of constitution**

An association may resolve to amend its constitution by a resolution passed by a majority of the members present at an annual general meeting or a special meeting of the association.

**40 Membership of association**

- (1) A person who applies for membership of an association is taken to be a member if membership is not refused by the association within 2 months after the person applies for membership.
- (2) A person is refused membership of an association if the association gives the person written notice of the refusal and the reasons for the refusal within 2 months after the person applies for membership.
- (3) However, membership is not refused if the person receives notice of the association's refusal of the application, but does

not receive written notice of the reasons for the refusal, within 2 months after the application is made.

#### **41 Register of members**

- (1) The register of members of an association must contain the following information about each member—
  - (a) the member's name and address;
  - (b) the date the member became a member;
  - (c) if the member is not a parent of a student attending the school for which the association is formed—
    - (i) the member's date of birth; or
    - (ii) a record that the member has stated the member is 18 years or more; or
    - (iii) a record by the secretary or another person responsible for making entries in the register of members that the member appears to be 18 years or more;
  - (d) for a member who ceases to be a member, the date the member ceases to be a member;
  - (e) any other particulars mentioned in the constitution.
- (2) Also, the register of members of an association, other than an interim association, must contain the following information about an honorary life member of the association—
  - (a) the date the person was awarded honorary life membership;
  - (b) the basis for the award.

#### **42 Election of officers of an association—Act, s 87**

- (1) At each annual general meeting, members of an association must elect officers of the association.
- (2) An officer may only be elected as follows—
  - (a) any 2 members (the *nominating members*) may nominate another member (the *candidate*) to be an officer;

- (b) the nomination may be made—
    - (i) at the annual general meeting; or
    - (ii) if the candidate can not be at the annual general meeting, by giving the secretary, before the meeting, a nomination in writing signed by the nominating members and the candidate;
  - (c) if there is only 1 nomination for an office, the candidate will be elected to the office if the candidate receives the votes of a majority of the members at the meeting;
  - (d) if there is more than one nomination for an office, the candidate who receives the most votes will be elected to the office.
- (3) A retiring officer is eligible for re-election.
  - (4) An election to fill a casual vacancy may be held at a general meeting of the association.

#### **43 Advice of officers of the association**

The secretary of an association must give the chief executive written notice of the names and addresses of the officers elected when an association is formed and at each annual general meeting.

#### **44 Annual general meeting**

- (1) The annual general meeting of an association for a year must be held within 3 months after the end of the preceding financial year as decided by the association under section 94<sup>7</sup> of the Act.
- (2) Ten members of an association are required to constitute a quorum at an annual general meeting unless the constitution of the association prescribes a number less than 10.
- (3) An association must follow the order of business prescribed in the constitution for the conduct of an annual general meeting.

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7 Section 94 (Financial year) of the Act

**45 Other meetings**

- (1) General meetings of an association must be held once a month at the times the association decides.
- (2) Seven members of an association are required to constitute a quorum at a general or special meeting unless the constitution of the association prescribes a number less than 7.

**46 Notice of meetings**

- (1) Written notice of an annual general meeting or a special meeting of an association must be given personally or by post to each member of the association—
  - (a) for an annual general meeting—at least 14 days before the day for the meeting; and
  - (b) for a special meeting—at least 7 days before the day for the meeting.
- (2) A resolution passed at an association meeting is not invalid merely because a member did not receive notice of the meeting.

**47 Audit of association accounts**

- (1) An association's accounts must be audited annually.
- (2) The auditor must examine records of collections and payments, cashbooks, minutes of meetings and the other records of the association the auditor considers appropriate.
- (3) Also, the auditor must verify with financial institutions with which the association has accounts the financial balance held or, as the case requires, owing, so as to be able to certify whether or not in the auditor's opinion—
  - (a) the association's financial statements are in agreement with the accounts and are in the required form; and
  - (b) the requirements for the keeping of accounts by the association have been complied with in all material respects; and
  - (c) the statements have been drawn to present a true and fair view of the transactions for the financial year and the

financial position at the close of the year on a basis consistent with that applied in the preceding year.

#### **48 Establishment of subcommittees**

- (1) An association may establish the subcommittees it considers appropriate for purposes consistent with the objectives and functions of the association under sections 83 and 84<sup>8</sup> of the Act.
- (2) Without limiting subsection (1), the association may establish subcommittees—
  - (a) for special purposes, including, for example, a swimming club subcommittee or a tuckshop subcommittee; and
  - (b) for promoting the interests of, and benefiting generally, a State preschool centre.
- (3) If the association establishes a subcommittee, the association must appoint particular members to be the chairperson, secretary and if funds are to be raised or expended, treasurer of the subcommittee.
- (4) However, the chairperson or secretary of a subcommittee may not be the treasurer of the subcommittee.
- (5) The association may impose on a subcommittee the conditions the association considers appropriate.

#### **49 Dissolution of an association**

- (1) For section 86(c)<sup>9</sup> of the Act, an association must be dissolved if the question of dissolution is put and resolved in the affirmative on a three-fourths majority vote of the members present and entitled to vote at a special meeting called to consider the question.

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8 Sections 83 (Objectives of an association) and 84 (Functions of an association) of the Act

9 Section 86 (Dissolution of association) of the Act

- (2) On dissolution of an association, the following must be dealt with by a State school principal's supervisor as directed by the corporation—
- (a) any property in the name of the association and acquired by the association for the use of the school;
  - (b) an association's funds after payment of all expenditure lawfully incurred by the association.

## **50 Activities of an association**

If the object of an activity of an association is, or includes, 1 or more of the following matters, the consent of the chief executive of a department that deals with a matter must be obtained before the activity is carried out—

- (a) the construction of improvements to State school premises;
- (b) the addition of a fixture to State school premises;
- (c) the purchase of furniture for the school.

## **51 Conduct of school tuckshops and other amenities by an association**

- (1) An association may conduct, at a State school, a tuckshop or other amenity (an *amenity*) other than an amenity conducted by the principal of the school, if the association reasonably believes the amenity is likely to help staff members in their professional duties or help students of the school in their studies.
- (2) The chief executive may, by written notice to an association that conducts an amenity under subsection (1), order—
- (a) the closure of the amenity, if the chief executive reasonably believes the amenity—
    - (i) is not helping, or is hindering, staff members in their professional duties; or
    - (ii) is not helping, or is hindering, students of the school in their studies; or



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- (b) the immediate closure of the amenity, if the chief executive reasonably believes—
  - (i) a matter mentioned in paragraph (a)(i) or (ii); and
  - (ii) it is necessary, in the interests of the health or safety of the staff members or the students, to immediately close the amenity.
- (3) A notice ordering a closure under subsection (2)(a) must state—
  - (a) the day, not less than 28 days after the association receives the notice, when the amenity is to be closed; and
  - (b) the reasons the chief executive believes a matter mentioned in subsection (2)(a)(i) or (ii); and
  - (c) that the association may, within 28 days after receiving the notice, ask the Minister to review the chief executive's decision to order the closure of the amenity.
- (4) A notice ordering an immediate closure of an amenity under subsection (2)(b) must state—
  - (a) that the amenity must be closed immediately; and
  - (b) the reasons the chief executive believes a matter mentioned in subsection (2)(a)(i) or (ii); and
  - (c) the reasons the chief executive believes it is necessary, in the interests of the health or safety of the staff members or the students, to close the amenity immediately; and
  - (d) that the association may, within 28 days after receiving the notice, ask the Minister to review the chief executive's decision to order the closure of the amenity.
- (5) An association must comply with an order to close an amenity.
- (6) Despite subsection (5), if an association receives a notice under subsection (2)(a) and asks the Minister to review the chief executive's decision under section 51A(2), the association may continue to conduct the amenity until it receives written notice under section 51A(3)(c).

**51A Minister to review decision to close amenity**

- (1) This section applies if the chief executive gives an association a notice under section 51(2).
- (2) The association may, within 28 days after receiving the notice, ask the Minister to review the chief executive's decision to order the closure of the amenity by giving the Minister a written notice stating the grounds for the review.
- (3) The Minister must, as soon as practicable—
  - (a) review the chief executive's decision and consider the grounds for the review; and
  - (b) decide to affirm or set aside the chief executive's decision; and
  - (c) give written notice to the association about the Minister's decision and the reasons for it.
- (4) If the Minister affirms the chief executive's decision, the association must close the amenity within the reasonable time stated in the Minister's notice.

**Part 7 Dissolution of school councils****Division 1 Preliminary****52 Application of part**

This part prescribes circumstances in which a school council is dissolved under section 75(1)(b)<sup>10</sup> of the Act.

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10 Section 75 (Dissolution of school council) of the Act

## **Division 2                      Dissolution for noncompliance with a public interest direction**

### **53            Minister to give a school council a show cause notice**

- (1) This section applies if the Minister has given a school council a direction under section 79<sup>11</sup> of the Act (a *public interest direction*) and believes the council has not complied with the direction.
- (2) The Minister must give the council a written notice (a *show cause notice*) stating the following—
  - (a) the reasons for the Minister’s belief that the council has not complied with the public interest direction;
  - (b) if the council does not comply with the public interest direction within a stated period (the *show cause period*), the council is liable to be dissolved;
  - (c) the council may make written representations to the Minister within the show cause period to show—
    - (i) that the council has complied with the public interest direction; or
    - (ii) why the council should not be dissolved for not complying with the direction.
- (3) The show cause period must end not less than 28 days after the show cause notice is given to the council.

### **53A          Minister must consider representations**

The Minister must consider, as soon as practicable, any written representations made under section 53(2)(c) within the show cause period.

### **53B          Ending the show cause process without further action**

- (1) This section applies if, after considering the representations, the Minister is satisfied—

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11 Section 79 (Minister’s power to give directions in the public interest) of the Act

- (a) the council has complied with the public interest direction; or
  - (b) the council should not be dissolved for not complying with the direction.
- (2) The Minister must immediately give the council a written notice stating that no further action is to be taken under the show cause notice.

### **53C Dissolution of school council**

- (1) This section applies if, after the end of the show cause period—
- (a) there are no representations made under section 53(2)(c); or
  - (b) after considering all representations made under section 53(2)(c), the Minister is satisfied the council should be dissolved for not complying with the public interest direction.
- (2) The Minister must give the council a written notice (a *dissolution notice*) that the council is dissolved from the day the council receives the notice.
- (3) The school council is dissolved from the day the council receives the dissolution notice.

## **Division 3                      When chief executive may dissolve councils**

### **54                      Dissolution by chief executive**

A school council is dissolved if—

- (a) the chief executive reasonably considers—
  - (i) the school council is not satisfactorily fulfilling its functions; or
  - (ii) the school community generally supports the dissolution of the school council; and

- (b) the chief executive publishes a notice in the Education Office gazette dissolving the council.

## **55 Chief executive to consult**

- (1) Before the chief executive may dissolve a school council under section 54, the chief executive must comply with this section.
- (2) The chief executive must consult with the following about the proposed dissolution—
  - (a) the school council;
  - (b) the school’s principal;
  - (c) the school’s staff members;
  - (d) if there is a parents and citizens association for the school—the association;
  - (e) if the school has secondary education students—the secondary education students;
  - (f) any other entities the chief executive considers have an interest in the school council or its dissolution.
- (3) The chief executive must publish, in a newsletter given to the school community, a notice stating—
  - (a) the chief executive is considering dissolving the school council; and
  - (b) the reasons for the proposed dissolution; and
  - (c) how submissions about the proposed dissolution may be made to the chief executive, including joint submissions; and
  - (d) the day, at least 28 days after the notice is published, by which submissions about the proposal may be given to the chief executive.
- (4) Before making a decision about dissolving a school council, the chief executive must have regard to the consultations and the submissions the chief executive receives.

- (5) For subsection (2), the chief executive may consult in any way the chief executive considers appropriate, including, for example, by holding a formal meeting.

## **56 Minister to review decision to dissolve school council**

- (1) This section applies to a person (an *aggrieved person*) who made a submission about a proposal to dissolve a school council in accordance with a notice under section 55(3).
- (2) If the chief executive decides to dissolve the council, the aggrieved person may ask the Minister to review the chief executive's decision.
- (3) The aggrieved person must give the Minister a written notice stating the grounds for the review within 28 days after notice of the school council's dissolution is published in the Education Office gazette.
- (4) The Minister must, as soon as practicable—
- (a) review the chief executive's decision and consider the grounds for the review; and
  - (b) decide to affirm or set aside the chief executive's decision; and
  - (c) give written notice to the aggrieved person about the Minister's decision and the reasons for it.
- (5) If the Minister sets aside the chief executive's decision—
- (a) the Minister must, as soon as practicable, publish a notice in the Education Office gazette stating that the decision to dissolve the council had been set aside; and
  - (b) the council is taken not to have been dissolved.

## **Part 8 Allowances**

### **57 Textbook and resource allowance**

- (1) The Minister, on written application by the principal of the school at which an approved student is enrolled, may pay to

the school for the approved student the textbook and resource allowance mentioned in schedule 1, part 1—

- (a) for sending to a parent of the student; or
- (b) for the benefit of the student, as directed by a parent of the student.

(2) In this section—

*approved student* means a person—

- (a) who is enrolled full-time and regularly attends, or for a person enrolled in a course at a non-State school that is provisionally accredited, or accredited, to provide distance education or a State educational institution offering distance education, regularly participates in—
  - (i) the course for year 8, 9, 10, 11 or 12 (whether the person is repeating the year or not) in—
    - (A) a State secondary school other than a centre for continuing secondary education; or
    - (B) a non-State secondary school that is a school in receipt of subsidy; or
  - (ii) a course at a campus of the agricultural college that takes 2 years to complete full-time; and
- (b) who—
  - (i) has not attained the age of 19 years; or
  - (ii) is progressing directly from full-time study in year 10; and
- (c) who is not in receipt of assistance from the Commonwealth which the Minister reasonably considers is designed to provide assistance of a similar nature so as to make payment of the textbook and resource allowance for the person inappropriate.

## **58 School uniform allowance**

A parent of a student, other than a preschool student, who attends a school in receipt of subsidy may be paid a school uniform allowance of \$50 each year for the student.

**59 Financial data—Act, s 134AB(2)**

For section 134AB(2)<sup>12</sup> of the Act, the day is 30 June of each year.

**60 Allowances to certain student hostels**

- (1) A person in charge of a student hostel for the accommodation of students attending a school in receipt of subsidy, may apply in writing to the Minister to be paid an allowance for the students boarding at the hostel.
- (2) The Minister may pay an allowance mentioned in—
  - (a) if GST is not payable—schedule 1, part 2, division 1; or
  - (b) if GST is payable—schedule 1, part 2, division 2.

**61 Measurement of distances for certain allowances**

For calculating the allowances mentioned in sections 62 to 65, the distance from a student's home to the nearest applicable school is measured—

- (a) if there is no school transport service approved by the chief executive (transport) or public transport service to the school—by the shortest trafficable route; or
- (b) if there is a school transport service approved by the chief executive (transport) or public transport service to the school—by the total of the distance from the student's home to the school transport access point and the distance travelled by the transport service from the access point to the school.

**62 Remote area tuition allowance**

- (1) This section applies if—
  - (a) a student of a non-State school in receipt of subsidy (an *eligible school*), other than a preschool student—
    - (i) lives in a remote area; and

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12 Section 134AB (Requirement to give financial data) of the Act



- (ii) boards away from home at the eligible school or another non-State school under an agreement between the eligible school and the other school; and
  - (b) the eligible school charges for tuition.
- (2) The Minister may each year, on written application by the student's parent, pay the eligible school a remote area tuition allowance mentioned in schedule 1, part 3.

**63 Remote area travel allowance**

- (1) The Minister may each year, on written application by a student's parent, pay the parent a remote area travel allowance mentioned in schedule 1, part 4, if the student—
  - (a) lives in a remote area; and
  - (b) boards away from home to attend a school in receipt of subsidy, other than for only preschool education; and
  - (c) must travel 50km or more from the student's home to the place where the student boards.
- (2) For subsection (1)(c), the distance from a student's home to the place where the student boards is measured by the shortest trafficable route.

**64 Remote area agricultural college allowance**

The Minister may each year, on written application by a student's parent, pay the parent a remote area agricultural college allowance of \$1534 if the student—

- (a) lives in a remote area; and
- (b) boards away from home to attend a campus of the agricultural college to study agriculture at a level equivalent to year 11 or 12.

**65 Remote area disability supplement**

- (1) The Minister may each year, on written application by a student's parent, pay the parent a remote area disability supplement of not more than \$5000 if the student—

- (a) lives in a remote area; and
  - (b) boards away from home to attend the nearest school in receipt of subsidy with special education appropriate to the student.
- (2) To be eligible to receive a remote area disability supplement, a parent must give the Minister written evidence that—
- (a) travel and accommodation costs of educating the student are significantly higher than they would be if the student did not require special education; and
  - (b) the extra costs incurred are not being met by the total assistance otherwise available from both the State and the Commonwealth because of the student's disability.

#### **66 Students not meeting all requirements for an allowance**

- (1) If a student or class of students does not meet all the requirements for an allowance mentioned in section 62, 63 or 64, the Minister may pay the allowance for the student or class of students if the Minister considers there are special circumstances warranting payment of the allowance.
- (2) Without limiting subsection (1), special circumstances warranting payment of an allowance include—
- (a) where the student or class of students lives; or
  - (b) whether the student or class of students has access to schools or transport services; or
  - (c) the health of the student or class of students.

#### **67 Allowances or supplement not payable for certain students**

The Minister must not pay the allowances mentioned in section 62, 63 or 64, or the supplement mentioned in section 65, for a student who receives a grant from the Commonwealth under the ABSTUDY Scheme.

**68 Applications in approved form**

An application for an allowance mentioned in sections 62 to 64, or the supplement mentioned in section 65, must be in the approved form.

**69 False or misleading statements an offence**

A person must not, in an application for an allowance, scholarship or supplement under the Act—

- (a) state anything the person knows is false or misleading in a material particular; or
- (b) omit from an application anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty—5 penalty units.

**Part 9 Miscellaneous****70 Reports on students in State schools**

- (1) The chief executive may prepare and give to a person a report about a student for the following purposes—
  - (a) for the purpose of litigation;
  - (b) for the purpose of supporting the student as a candidate in a competition;
  - (c) for the purpose of providing background on the student for media purposes;
  - (d) for another purpose.
- (2) However, the chief executive may give the report to the person only if—
  - (a) a court or tribunal with the necessary jurisdiction has ordered that the report be given to the person; or
  - (b) the student, or the student's parent, has given consent to the report being given to the person; or

- (c) the chief executive is satisfied the report is not detrimental to the student and the person is an eligible applicant.
- (3) If the chief executive gives a person a report under subsection (2)(b) or (c), the person must pay the fee prescribed in schedule 2 for the preparation of the report.
- (4) In this section—
  - eligible applicant* means a person who satisfies the chief executive that—
    - (a) the person has or, if the applicant is a professional person making application for a fee-paying client, the client has, a sufficient interest in the subject matter of the proposed report; and
    - (b) it is appropriate in all the circumstances that the proposed report should be prepared and given to the person.

## **71 Reports about student's results and progress not to be given**

Section 70 does not apply to a report made periodically and in the normal course of school administration about a student's results and progress.

## **72 Courses for overseas students**

- (1) An overseas student or intending overseas student may apply to the chief executive to enrol in an approved course in a State school.
- (2) A person who does not live in Australia may apply to the chief executive to enrol in an approved course in a State educational institution offering distance education.
- (3) An application under subsection (1) or (2) must be made in the approved form.
- (4) Also, the application must be accompanied by the fee for the course that—
  - (a) the chief executive considers reasonable; and

- (b) is not more than the reasonable cost of the course.
- (5) The chief executive may approve the application if the chief executive is reasonably satisfied the person—
  - (a) is fully financially supported; and
  - (b) is academically qualified to be enrolled; and
  - (c) has an adequate standard of English; and
  - (d) is of good health; and
  - (e) has adequate arrangements for accommodation, welfare and supervision.

- (6) In this section—

***approved course*** means—

- (a) a registered course within the meaning of the *Education (Overseas Students) Act 1996*; or
- (b) a course of primary or secondary education approved by the Minister for this section.

***intending overseas student*** means a person who intends to become an overseas student.

***overseas student*** means a person who holds a student visa issued under the *Migration Act 1958* (Cwlth).

### **73 Student vacations**

- (1) The Minister must approve the days for student vacations for State schools.
- (2) The days approved by the Minister must be published in the Education Office gazette.

### **74 Additional holidays**

- (1) The following additional holidays must be observed in a State school—
  - (a) the holiday appointed annually for 1 local show or carnival;

- (b) a holiday granted to the school by the Governor-General, the Governor, the Premier, the Minister for Education, and other Ministers;
  - (c) public holidays notified under the *Holidays Act 1983*.
- (2) A holiday granted to a State school under paragraph (b) applies only to the students of the school.

## **75 Tuckshops—prohibited items**

- (1) The chief executive may, by notice in the Education Office gazette, prohibit an item, or class of item, from being sold in a school's tuckshop.
- (2) The chief executive may prohibit the sale of the item or class of item if the chief executive reasonably believes the safety and wellbeing of the school's students is, or would be, adversely affected by the sale of the item or class of item.
- (3) The school's principal or association must not sell a prohibited item, or an item of a prohibited class, in the school's tuckshop.
- (4) In this section—  
*sell* includes offer for sale.

## **76 Distribution of written material in State educational institutions**

A person must not distribute written material in a State educational institution unless the person has been given permission to do so by the principal or other person in charge of the institution or an authorised officer.

Maximum penalty—10 penalty units.

**76AA Report about sexual abuse—Act, ss 146A and 146B**

A report under section 146A or 146B<sup>13</sup> of the Act must include the following particulars—

- (a) the name of the person giving the report (the *first person*);
- (b) the student's name and sex;
- (c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by an employee of the school;
- (d) details of the abuse or suspected abuse;
- (e) any of the following information of which the first person is aware—
  - (i) the student's age;
  - (ii) the identity of the employee who has abused, or is suspected to have abused, the student;
  - (iii) the identity of anyone else who may have information about the abuse or suspected abuse.

**76AB Fee for distance education—Act, s 24A**

- (1) For section 24A(2)<sup>14</sup> of the Act, the fee for the provision of distance education to a person enrolled in a program of distance education is—
  - (a) in 2006—\$500; and
  - (b) in each later year—\$1000.
- (2) However, the fee mentioned in subsection (1) is not payable if—
  - (a) the person lives in a remote area; or
  - (b) the person—

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13 Section 146A (Obligation to report sexual abuse of student under 18 years attending State school) or 146B (Obligation to report sexual abuse of student under 18 years attending non-State school) of the Act

14 Section 24A (Fee for distance education provided by a State school) of the Act

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- (i) can not attend a State educational institution, 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
- (c) the person has an itinerant lifestyle; or
- (d) the person—
  - (i) is excluded from 1 or more, but not all, State educational institutions, other than schools of distance education, under section 36 or 36E<sup>15</sup> of the Act; and
  - (ii) would live in a remote area if the institution, or institutions, from which the person is excluded were taken not to be a nearest applicable school for the purposes of the definition *remote area*; or
- (e) the person is excluded from all State educational institutions, other than schools of distance education, under section 36E of the Act; or
- (f) the person can not attend a State educational institution, other than a school of distance education, because the person is caring for his or her child, or another child for whom the person has or exercises parental responsibility; or
- (g) the person—
  - (i) can not attend a State educational institution, other than a school of distance education, because the person is caring for someone, other than a child mentioned in paragraph (f), on a regular basis; and
  - (ii) gives the chief executive a medical certificate stating that fact; or
- (h) the person can not be a mature age student of a mature age State educational institution because the person has

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15 Section 36 (Exclusion of student by supervisor) or 36E (Exclusion of student by chief executive) of the Act



*Education (General Provisions) Regulation 2000*

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- been issued with a negative notice under section 26AE<sup>16</sup> of the Act; or
- (i) the person is in the custody of the chief executive (corrective services) at a corrective services facility under the *Corrective Services Act 2000*.
- (3) For subsection (2)(c), 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

- (b) the person spends at least 120 school days of the relevant school year in the State.
- (4) In this section—

***caravan*** means a caravan under the *Residential Tenancies Act 1994*.

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16 Section 26AE (Decision on application) of the Act

***medical certificate*** means a certificate signed by a registrant under the *Psychologists Registration Act 2001* or a medical practitioner.

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

### **76AC Waiver of fee for distance education**

(1) The chief executive may waive, entirely or partly, payment of the fee mentioned in section 76AB(1) for a person if—

- (a) the chief executive is satisfied—
  - (i) the person is, or has been, enrolled in 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) 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 of distance education; or
  - (b) whether a program of distance education is the most appropriate educational program for the person.

**76A Prescribed State school or non-State school—Act, s 167**

For section 167(2)<sup>17</sup> of the Act, definition *prescribed State school or non-State school*, each school mentioned in schedule 2A is prescribed.

**76B Fee—Act, s 26AD(2)(c)**

- (1) For section 26AD(2)(c)<sup>18</sup> of the Act, the fee is \$22.50.
- (2) However, the chief executive may waive, entirely or partly, payment of the fee if the chief executive is satisfied payment of the fee would cause financial hardship to the person liable to pay it.

**Part 9A Transitional provisions****76C Definitions for pt 9A**

In this part—

*continuing student* see section 76F(1).

*pre-amended regulation* means this regulation as in force immediately before 1 January 2006.

**76D Application of part**

This part applies despite the reference in section 63 to schedule 1, part 4.

**76E Purpose of pt 9A**

The purpose of this part is to prescribe, for section 63, the remote area travel allowance payable to the parent of a continuing student in 2006 and 2007.

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17 Section 167 (Transitional provision for compulsory education) of the Act

18 Section 26AD (Application for mature age student notice) of the Act

**76F Continuing students**

- (1) For this part, a student is a *continuing student* if—
  - (a) the student—
    - (i) was enrolled at a school in receipt of subsidy at the end of the 2005 school year; and
    - (ii) is continuously enrolled at a school in receipt of subsidy; and
  - (b) the student—
    - (i) for 2006, is in year 9, 10, 11 or 12; or
    - (ii) for 2007, is in year 10, 11 or 12; and
  - (c) the student's parent was paid a remote area travel allowance for the student for a period ending at the end of the 2005 school year; and
  - (d) both relevant places for the student do not change from the places that were the relevant places for the student at the end of the 2005 school year.
- (2) A student is continuously enrolled at a school in receipt of subsidy—
  - (a) if the student is enrolled at a school in receipt of subsidy at the start of the 2006 school year; and
  - (b) while the student continues to be enrolled at a school in receipt of subsidy.
- (3) To remove any doubt, it is declared that a student continues to be enrolled at a school in receipt of subsidy if—
  - (a) the student ceases to be enrolled at a particular school in receipt of subsidy; and
  - (b) immediately, or within a reasonable time, after ceasing to be enrolled, is enrolled at another school in receipt of subsidy.
- (4) In this section—

*relevant place*, for a student, means—

  - (a) the student's home; or
  - (b) the place where the student boards.

**76G Remote area travel allowance for continuing students**

- (1) For 2006 or 2007, the remote area travel allowance payable to the parent of a continuing student is the allowance that would have been payable under the pre-amended regulation.
- (2) If a student ceases (the *cessation*) to be a continuing student, the remote area travel allowance payable to the parent of the continuing student is—
  - (a) for the period before the cessation—the allowance under the pre-amended regulation; and
  - (b) for the period after the cessation—the allowance under schedule 1, part 4.
- (3) The Minister may decide, by any reasonably practicable means, when the cessation happened.

**76H Overpayments**

- (1) This section applies if the Minister overpays the remote area travel allowance for a continuing student because the Minister was not aware that a student had ceased to be a continuing student.
- (2) The Minister may—
  - (a) ask the parent of the student to refund the amount of the overpayment; or
  - (b) deduct the amount of the overpayment from a future payment.

**Part 10 Repeal****77 Repeal**

The *Education (General Provisions) Regulation 1989* is repealed.

**Schedule 1 Allowances**

sections 57, 60, 62 and 63

**Part 1 Textbook and resource allowance**

	<b>\$ each year</b>
1 Years 8, 9 and 10.....	88.00
2 Years 11 and 12.....	195.00
3 2 year full-time course at a campus of the agricultural college.....	195.00

**Part 2 Allowance for student hostels****Division 1 If GST is not payable**

For a hostel boarding—

- (a) up to 8 students—\$9488 each year; or
- (b) 9 to 20 students—\$9488 plus \$1186 for each student more than 8 students each year; or
- (c) more than 20 students—\$23720 plus \$792 for each student more than 20 students each year.

## Schedule 1 (continued)

**Division 2                    If GST is payable**

For a hostel boarding—

- (a) up to 8 students—\$10436.80 each year; or
- (b) 9 to 20 students—\$10436.80 plus \$1304.60 for each student more than 8 students each year; or
- (c) more than 20 students—\$26092 plus \$871.20 for each student more than 20 students each year.

**Part 3                            Remote area tuition allowance**

- 1 For a primary school—
  - (a) if the charge for tuition is not more than \$1220—the amount of the charge; or
  - (b) if the charge for tuition is more than \$1220—\$1220 plus 50c for each dollar charged that is more than \$1220, to a maximum of \$2441.
- 2 For a secondary school—
  - (a) if the charge for tuition is not more than \$1759—the amount of the charge; or
  - (b) if the charge for tuition is more than \$1759—\$1759 plus 50c for each dollar charged that is more than \$1759, to a maximum of \$3517.
- 3 For a school that does not distinguish between primary and secondary education for certain students with disabilities and provides only special education for those students—
  - (a) for a student who will be less than 13 years at the end of the year for which the allowance is paid—
    - (i) if the charge for tuition is not more than \$1220—the amount of the charge; or

**Schedule 1 (continued)**

- (ii) if the charge for tuition is more than \$1220—\$1220 plus 50c for each dollar charged that is more than \$1220, to a maximum of \$2441; and
- (b) for a student who will be 13 years or more at the end of the year for which the allowance is paid—
  - (i) if the charge for tuition is not more than \$1759—the amount of the charge; or
  - (ii) if the charge for tuition is more than \$1759—\$1759 plus 50c for each dollar charged that is more than \$1759, to a maximum of \$3517.

**Part 4 Remote area travel allowance**

- 1 The allowance for a year is as follows—
  - (a) if the distance from a student's home to the place where the student boards is at least 50km and not more than 500km—40c for each kilometre or part of a kilometre;
  - (b) if the distance from a student's home to the place where the student boards is 501km or more—\$200 plus \$1 for each kilometre of travel more than 500km.
- 2 However—
  - (a) the minimum allowance for a year is \$106; and
  - (b) the maximum allowance for a year is \$1200.



**Schedule 2      Fees for preparation of reports**

section 70

	<b>\$</b>
1    For a report of 1000 words or less . . . . .	87.00
2    For a report of more than 1000 words but less than 2000 words . . . . .	116.50
3    For a report of 2000 words or more . . . . .	174.00

## **Schedule 2A      Prescribed State schools or non-State schools**

section 76A

### **Part 1                      State Schools**

- Allenstown State School
- Andergrove State School
- Arundel State School
- Ashwell State School
- Atherton State School
- Badu Island State School
- Ballandean State School
- Blackall State School
- Bohlevale State School
- Bundaberg South State School
- Bwgcolman Community School
- Caboolture East State School
- Cairns West State School
- Camp Hill State Infants School
- Caningeraba State School
- Capalaba State School
- Cawarral State School
- Charleville School of Distance Education
- Charlton State School
- Chinchilla State School
- Clermont State School
- Clontarf Beach State School

## Schedule 2A (continued)

- Coorparoo State School
- Doomadgee State School
- Edge Hill State School
- Eight Mile Plains State School
- Fairview Heights State School
- Forest Lake State School
- Forest Ridge State School
- Gayndah State School
- Geebung State School
- Golden Beach State School
- Goodna State School
- Goovigen State School
- Gympie South State School
- Happy Valley State School
- Helensvale State School
- Highfields State School
- Hilder Road State School
- Inala State School
- Indooroopilly State School
- Jambin State School
- Kelvin Grove State College
- Kimberley Park State School
- Kuluin State School
- Labrador State School
- Leichhardt State School
- Longreach School of Distance Education
- MacGregor State School
- Maleny State School

## Schedule 2A (continued)

- Mareeba State School
- Marsden State School
- Maryborough Central State School
- Meridan State College
- Mirani State School
- Mitchelton State School
- Montville State School
- Mount Murchison State School
- Mount Warren Park State School
- Mt Isa School of Distance Education
- Mudgeeraba Creek State School
- Murray River Upper State School
- Newmarket State School
- Norville State School
- Pialba State School
- Proserpine State School
- Prospect Creek State School
- Rasmussen State School
- Regents Park State School
- Richlands East State School
- Richmond Hill State School
- Robina State School
- Rockhampton North Special School
- Seven Hills State School
- Silkstone State School
- Stafford State School
- Stanthorpe State School
- St George State School;

**Schedule 2A (continued)**

- Stretton State College
- Taabinga State School
- Tamrookum State School
- Tannum Sands State School
- Tewanin State School
- Thangool State School
- Thornlands State School
- Thursday Island State School
- Tullawong State School
- Ubobo State School
- Vienna Woods State School
- Watson Road State School
- West End State School
- Westmar State School
- Whitfield State School
- Wondall Heights State School
- Woodridge North State School
- Woorabinda State School
- Wowan State School
- Wyandra State School
- Wyreema State School

**Part 2****Non-State schools**

- Aboriginal & Islander Independent Community School
- Assisi Catholic College (Coomera)

**Schedule 2A (continued)**

- Bundaberg Christian College
- Caloundra Christian College
- Concordia Primary School (Toowoomba)
- Darra-Jindalee Catholic School
- Good Shepherd Lutheran College (Noosa)
- Ipswich Girls' Grammar School
- Islamic School of Brisbane
- Our Lady of Lourdes School (Ingham)
- Rockhampton Grammar School
- St Anthony's (North Rockhampton)
- St Anthony's Primary School (Deeragun)
- St Columba's School (Dalby)
- St James Primary School (Coorparoo)
- St John the Baptist Catholic Primary School (Gladstone)
- St Joseph's Tobruk Memorial School (Beenleigh)
- St Mary's Primary School (Taroom)
- St Michael's School (Palm Island)
- St Patrick's School (Emerald)
- St Rita's School (Babinda)
- St Saviour's Primary School (Toowoomba)
- St Thomas' School (Mareeba)
- St Williams Primary School (Grovely)

## Schedule 3      Dictionary

### section 3

***accredited representative*** means a representative of a religious denomination or religious society who has been approved by the Minister under section 26(1)<sup>19</sup> of the Act, to give religious instruction.

***agricultural college*** means the agricultural college under the *Agricultural College Act 2005*.

***auditor***, for a parents and citizens association, means a person appointed under the *Financial Administration and Audit Regulation 1995*, section 3.<sup>20</sup>

***authorised officer*** means an officer or an officer of the class of officers authorised by the Minister under section 20 of the Act to give permission for the use of a State educational institution.

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

***continuing student*** see section 76C.

***nearest applicable school*** means the following—

- (a) for calculating a remote area tuition allowance under section 62 or a remote area travel allowance under section 63—the nearest State school with the required year level for a student;
- (b) for calculating a remote area agricultural college allowance under section 64—the nearest State school with year 11 or 12 level of schooling as required by a student;

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19 Section 26 (Religious instruction in school hours) of the Act

20 *Financial Administration and Audit Regulation 1995*, section 3 (Exemption of parents and citizens associations from audit by Auditor-General—Act, s 74)

**Schedule 3 (continued)**

- (c) for calculating a remote area disability supplement under section 65—the nearest school in receipt of subsidy with the appropriate special education as required by a student;
- (d) for deciding if a fee under section 76AB(1)<sup>21</sup> is payable for the provision of distance education to a person—the nearest State school with the required year level for the person.

***permitted user*** means the person to whom a permission to use a State educational institution has been given under section 20<sup>22</sup> of the Act.

***pre-amended regulation*** see section 76C.

***preparatory trial year of instruction*** see section 167(2)<sup>23</sup> of the Act.

***public interest direction*** see section 53.

***remote area***, for deciding if a student lives in a remote area, means—

- (a) where the student's home—
  - (i) is not less than 16km from the nearest applicable school; and
  - (ii) is not 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; or
- (b) where the student's home—
  - (i) is not less than 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

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21 Section 76AB (Fee for distance education—Act, s 24A)

22 Section 20 (Use of State educational institutions) of the Act

23 Section 167 (Transitional provision for compulsory education) of the Act



## Schedule 3 (continued)

public transport service to the nearest applicable school; and

(iii) is—

- (A) not less than 56km from the nearest applicable school using the route travelled by the transport service; or
- (B) not less than 3 hours travelling time per day from the nearest applicable school using the transport service.

***school council***, for a State school, means the school council established under section 50<sup>24</sup> of the Act for the school.

***school in receipt of subsidy*** see section 134A(1)<sup>25</sup> of the Act.

***show cause notice*** see section 53.

***show cause period*** see section 53.

***social function*** means an event or occasion—

- (a) to which persons are invited by or on behalf of the proposed permitted user; and
- (b) that happens on the premises of a State educational institution hired for the purpose by the proposed permitted user.

***staff members***, for a school, means the persons who are employed at the school, whether or not the persons are teachers.

***subcommittee*** means a subcommittee established by an association.

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24 Section 50 (Establishment) of the Act

25 Section 134A (Provision of scholarships and allowances) of the Act

## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	56
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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2006. Future amendments of the Education (General Provisions) Regulation 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 July 2000	5 July 2000
1A	2000 SL No. 316	8 December 2000	20 December 2000
1B rv	2001 SL No. 273	21 December 2001	21 December 2001
1C rv	2001 SL No. 273	1 January 2002	1 January 2002

Reprint No.	Amendments included	Effective	Notes
1D	2002 SL No. 220	30 August 2002	R1D withdrawn, see R2
2	—	30 August 2002	
2A	2002 SL No. 344	13 December 2002	
2B	2002 SL No. 344	1 January 2003	
2C	2003 SL No. 38	14 March 2003	
2D	2003 SL No. 323	1 January 2004	
2E	2004 SL No. 2	23 January 2004	
2F	2004 SL No. 19	19 April 2004	R2F withdrawn, see R3
3	—	19 April 2004	
3A	2004 Act No. 44	18 November 2004	
3B	2004 SL No. 227 (amd 2004 SL No. 269) 2004 Act No. 44 2004 SL No. 319	1 January 2005	
3C	2005 SL No. 164	22 July 2005	
3D	2005 SL No. 286 2005 SL No. 312	1 January 2006	
3E	2006 Act No. 2	1 July 2006	

## 5 List of legislation

### **Education (General Provisions) Regulation 2000 SL No. 153**

made by the Governor in Council on 29 June 2000

notfd gaz 30 June 2000 pp 736–48

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 (see s 2)

exp 1 September 2010 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**Education (General Provisions) Amendment Regulation (No. 1) 2000 SL No. 316**

notfd gaz 8 December 2000 pp 1374–7  
commenced on date of notification

**Education (Accreditation of Non-State Schools) Regulation 2001 SL No. 211 ss 1–2, 19**

notfd gaz 23 November 2001 pp 1088–91  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2002 (see s 2)

**Education (General Provisions) Amendment Regulation (No. 1) 2001 SL No. 273**

notfd gaz 21 December 2001 pp 1482–8  
commenced on date of notification

**Education (General Provisions) Amendment Regulation (No. 1) 2002 SL No. 220**

notfd gaz 30 August 2002 pp 1557–61  
ss 1–2 commenced on date of notification  
ss 3–4 commenced 21 December 2001 (see s 2)  
remaining provision commenced on date of notification

**Education (General Provisions) Amendment Regulation (No. 2) 2002 SL No. 344**

notfd gaz 13 December 2002 pp 1266–9  
ss 1–2 commenced on date of notification  
ss 6, 7, 9 commenced 1 January 2003 (see s 2)  
remaining provisions commenced on date of notification

**Education (General Provisions) Amendment Regulation (No. 1) 2003 SL No. 38**

notfd gaz 14 March 2003 pp 979–80  
commenced on date of notification

**Education (General Provisions) Amendment Regulation (No. 2) 2003 SL No. 323**

notfd gaz 12 December 2003 pp 1203–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2004 (see s 2)

**Education (General Provisions) Amendment Regulation (No. 1) 2004 SL No. 2**

notfd gaz 23 January 2004 pp 276–7  
commenced on date of notification

**Education Legislation Amendment Regulation (No. 1) 2004 SL No. 19 pts 1–2**

notfd gaz 19 March 2004 pp 1073–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 19 April 2004 (see s 2)

**Education (General Provisions) Amendment Regulation (No. 2) 2004 SL No. 227**

(this regulation is amended, see amending legislation below)

notfd gaz 29 October 2004 pp 734–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2005 (see s 2)

amending legislation—

**Education (General Provisions) Amendment Regulation (No. 3) 2004 SL No. 269 (amends 2004 SL No. 227 above)**

notfd gaz 10 December 2004 pp 1195–8  
 commenced on date of notification

**Education Legislation Amendment Act 2004 No. 44 ss 1–2(1), pt 7**

date of assent 18 November 2004  
 ss 1–2 commenced on date of assent  
 s 41 commenced 1 January 2005 (see s 2(1))  
 remaining provisions commenced on date of assent

**Local Government (Community Government Areas) Regulation 2004 SL No. 319 ss 1–2, 23 sch 1**

notfd gaz 17 December 2004 pp 1277–85  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 January 2005 (see s 2)

**Education Legislation Amendment Regulation (No. 1) 2005 SL No. 164 s 1, pt 2**

notfd gaz 22 July 2005 pp 988–9  
 commenced on date of notification

**Education Legislation Amendment Regulation (No. 2) 2005 SL No. 286 pts 1–2**

notfd gaz 2 December 2005 pp 1268–71  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 January 2006 (see s 2)

**Education (General Provisions) Amendment Regulation (No. 1) 2005 SL No. 312**

notfd gaz 16 December 2005 pp 1490–6  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 January 2006 (see s 2)

**Child Employment Act 2006 No. 2 ss 1–2, pt 6 div 2**

date of assent 22 February 2006  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 July 2006 (see s 2)

## 6 List of annotations

**Definitions**

s 3 amd 2002 SL No. 344 s 4

**Liquor not to be taken onto premises in dry places**

s 12 sub 2003 SL No. 323 s 4  
 amd 2004 SL No. 319 s 23 sch 1

**Approval for liquor to be taken onto premises in restricted areas**

s 13 sub 2003 SL No. 323 s 4

**Hours during which child of age of compulsory attendance not to be employed—Act, s 119**

s 20 om 2006 Act No. 2 s 44

**Conduct of school tuckshops and other amenities by an association**

s 51 sub 2001 SL No. 273 s 3

**Minister to review decision to close amenity**

s 51A ins 2001 SL No. 273 s 4

**PART 7—DISSOLUTION OF SCHOOL COUNCILS****Division 1—Preliminary**

div hdg ins 2001 SL No. 273 s 5

**Application of part**

s 52 sub 2001 SL No. 273 s 5

**Division 2—Dissolution for noncompliance with a public interest direction**

div hdg ins 2001 SL No. 273 s 5

**Minister to give a school council a show cause notice**

s 53 sub 2001 SL No. 273 s 5

**Minister must consider representations**

s 53A ins 2001 SL No. 273 s 5

**Ending the show cause process without further action**

s 53B ins 2001 SL No. 273 s 5

**Dissolution of school council**

s 53C ins 2001 SL No. 273 s 5

**Division 3—When chief executive may dissolve councils**

div hdg ins 2001 SL No. 273 s 5

**Textbook and resource allowance**

s 57 amd 2001 SL No. 211 s 19(2); 2005 SL No. 164 s 4

**Financial data—Act, s 134AB(2)**

s 59 amd 2002 SL No. 344 s 5

sub 2004 Act No. 44 s 40

**Allowances to certain student hostels**

s 60 amd 2000 SL No. 316 s 3; 2001 SL No. 273 s 6; 2002 SL No. 344 s 6; 2003 SL No. 38 s 3; 2005 SL No. 286 s 4

**Remote area tuition allowance**

s 62 sub 2001 SL No. 273 s 7

amd 2005 SL No. 286 s 5

**Remote area travel allowance**

s 63 amd 2005 SL No. 286 s 6

**Remote area agricultural college allowance**

s 64 amd 2001 SL No. 273 s 8; 2002 SL No. 344 s 7; 2003 SL No. 323 s 5; 2004 SL No. 227 s 4; 2005 SL No. 164 s 5; 2005 SL No. 286 s 7

**Remote area disability supplement**

prov hdg amd 2000 SL No. 316 s 4

s 65 amd 2000 SL No. 316 s 4

**Students not meeting all requirements for an allowance**

s 66            amd 2000 SL No. 316 s 5

**Allowances or supplement not payable for certain students**

prov hdg    amd 2000 SL No. 316 s 6(1)

s 67            amd 2000 SL No. 316 s 6(2)

**Applications in approved form**

s 68            amd 2000 SL No. 316 s 7

**False or misleading statements an offence**

s 69            amd 2000 SL No. 316 s 8

**Report about sexual abuse—Act, ss 146A and 146B**

s 76AA        ins 2004 SL No. 19 s 4

**Fee for distance education—Act, s 24A**

s 76AB        ins 2005 SL No. 312 s 4

**Waiver of fee for distance education**

s 76AC        ins 2005 SL No. 312 s 4

**Prescribed State school or non-State school—Act, s 167**

s 76A        ins 2002 SL No. 344 s 8

**Fee—Act, s 26AD(2)(c)**

s 76B        ins 2004 Act No. 44 s 41

amd 2005 SL No. 286 s 8

**PART 9A—TRANSITIONAL PROVISIONS**

pt 9A (ss 76C–76H) ins 2005 SL No. 286 s 9

**SCHEDULE 1—ALLOWANCES**

amd 2000 SL No. 316 s 9

sub 2001 SL No. 273 s 9

              amd 2002 SL No. 220 ss 4 (retro), 5; 2002 SL No. 344 s 9; 2003 SL No. 38 s  
              4; 2003 SL No. 323 s 6; 2004 SL No. 227 s 5 (amd 2004 SL No. 269 s 3);  
              2004 Act No. 44 s 42; 2005 SL No. 164 s 6

sub 2005 SL No. 286 s 10

**SCHEDULE 2—FEES FOR PREPARATION OF REPORTS**

sub 2004 SL No. 227 s 6

amd 2005 SL No. 286 s 11

**SCHEDULE 2A—PRESCRIBED STATE SCHOOLS OR NON-STATE SCHOOLS**

ins 2002 SL No. 344 s 10

              amd 2003 SL No. 323 s 7; 2004 SL No. 2 s 3; 2004 SL No. 227 s 7; 2005 SL  
              No. 286 s 12**SCHEDULE 3—DICTIONARY**def “**agricultural college**” sub 2005 SL No. 164 s 7def “**continuing student**” ins 2005 SL No. 286 s 13def “**nearest applicable school**” amd 2002 SL No. 344 s 11; 2005 SL No.  
              312 s 5def “**pre-amended regulation**” ins 2005 SL No. 286 s 13def “**preparatory trial year of instruction**” ins 2003 SL No. 38 s 5

def “**public interest direction**” ins 2001 SL No. 273 s 10  
def “**school in receipt of subsidy**” amd 2001 SL No. 211 s 19(3)  
def “**show cause notice**” ins 2001 SL No. 273 s 10  
def “**show cause period**” ins 2001 SL No. 273 s 10

## **7 Information about retrospectivity**

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. Any retrospective amendment that has not been consolidated is noted in footnotes to the text.