Queensland

Education (General Provisions) Act 1989

EDUCATION (GENERAL PROVISIONS) REGULATION 2000

Reprinted as in force on 21 December 2001
(includes amendments up to SL No. 273 of 2001)

See endnote 7 for information about retrospectivity

See last endnote for uncommenced amendments

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Information about this reprint

This regulation is reprinted as at 21 December 2001. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. For table of earlier reprints, see endnote 4.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
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- a correction
- a retrospective provision
- other relevant information.

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Queensland

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EDUCATION (GENERAL PROVISIONS) REGULATION 2000

[as amended by all amendments that commenced on or before 21 December 2001]

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 the schedule 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 Premises in dry area under council by-law

(1) The Minister or authorised officer must not approve an application to take liquor onto premises if—

(a) a council has declared its community area or a part of its community area as a dry area; and

(b) the premises are in the area or part declared as a dry area.

(2) In this section—

"community area" has the meaning given by the *Liquor Act 1992*.

"council" has the meaning given by the *Liquor Act 1992*.

13 Controlled place or dry place under law council declaration

(1) The Minister or authorised officer must not approve an application to take liquor onto premises if—

(a) under the *Local Government (Aboriginal Lands) Act 1978*, section 58,[1] the law council has declared a public place to be a dry place; and

(b) the premises are part of the public place.

(2) If the law council has declared a public place to be a controlled place, the Minister or authorised officer may only approve an application to take liquor onto premises that are part of the public place if the approval (including the conditions of the approval) is consistent with—

(a) the directions about the possession or consumption of alcohol included in the declaration of the public place as a controlled place; and

(b) any permit under which the possession or consumption of alcohol on the controlled place is authorised.

(3) In this section—

"controlled place" see *Local Government (Aboriginal Lands) Act 1978*, section 42.[2]

"dry place" see *Local Government (Aboriginal Lands) Act 1978*, section 42.

"law council" see *Local Government (Aboriginal Lands) Act 1978*, section 42.

"public place" see *Local Government (Aboriginal Lands) Act 1978*, section 42.

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1 *Local Government (Aboriginal Lands) Act 1978*, section 58 (Declarations)

2 *Local Government (Aboriginal Lands) Act 1978*, section 42 (Definitions for pt 6)

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 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 31 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.

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

For section 119(1)[3] of the Act, the hours prescribed for attendance at school of a child of the age of compulsory attendance are from 8.00 a.m. to 4.00 p.m. on a school day for the school at which the child is enrolled.

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.

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3 Section 119 (Employment of children of school age) of the Act

(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)[4] 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.

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.

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

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[5] 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.

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.

5 Section 94 (Financial year) of the Act

(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[6] 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.

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

49 Dissolution of an association

(1) For section 86(c)[7] 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.

(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—

7 Section 86 (Dissolution of association) of the Act

(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

(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)[8] of the Act.

8 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[9] 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—

(a) the council has complied with the public interest direction; or

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

(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 the School of Distance Education or any other 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 an 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 Allowances to non-State schools in receipt of subsidy

The Minister may pay each non-State school in receipt of subsidy an allowance based on the students at the school calculated using the amounts mentioned in schedule 1, part 2, column 3.

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 each student boarding at the hostel.

(2) The Minister may pay either or both of the allowances mentioned in—

(a) if GST is not payable—schedule 1, part 3, division 1; or

(b) if GST is payable—schedule 1, part 3, division 2.

(3) However, the Minister may only pay the student hostel pastoral care grant to a maximum of—

(a) if GST is not payable—$8 000 a year for each hostel; or

(b) if GST is payable—$8 800 a year for each hostel.

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

(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 4.

63 Remote area travel allowance

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 5, 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 50 km or more from the student's home to the place where the student boards.

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 $1 367 if the student—

(a) lives in a remote area; and

(b) boards away from home to attend an 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 $5 000 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.

PART 10—REPEAL

77 Repeal

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

SCHEDULE 1[10]

ALLOWANCES

sections 57, 59, 60, 62 and 63

PART 1—TEXTBOOK AND RESOURCE ALLOWANCE

		$ per year
1.	Years 8, 9 and 10	76.00
2.	Years 11 and 12	173.00
3.	2 year training course at an agricultural college	173.00

PART 2—ALLOWANCE TO SCHOOLS IN RECEIPT OF SUBSIDY

Division 1—If GST is not payable

		$ per year
1.	For each student 4 years or more in preschool	408.00
2.	For each student in years 1 to 7	816.00
3.	For each student in years 8 to 12	1 248.00

10 This schedule has been retrospectively amended from 21 December 2001. See *Education (General Provisions) Amendment Regulation (No. 1) 2002*, sections 4 and 5. First consolidated in reprint no. 1D.

SCHEDULE 1 (continued)

Division 2—If GST is payable

		$ per year
1.	For each student 4 years or more in preschool	448.80
2.	For each student in years 1 to 7	897.60
3.	For each student in years 8 to 12	1 372.80

PART 3—ALLOWANCE FOR STUDENT HOSTELS

Division 1—If GST is not payable

		$ per year
1.	Student hostel general purpose grant	658.00
2.	Student hostel pastoral care grant	400.00

Division 2—If GST is payable

		$ per year
1.	Student hostel general purpose grant	723.80
2.	Student hostel pastoral care grant	440.00

PART 4—REMOTE AREA TUITION ALLOWANCE

1. For section 62, the following remote area tuition allowance may be paid to a school—

SCHEDULE 1 (continued)

(a) for a primary school—

(i) if the charge is not more than $1 088.00—the amount of the charge; or

(ii) if the charge is more than $1 088.00—$1 088.00 plus 50c for each dollar charged that is more than $1 088.00, to a maximum of $2 178.00;

(b) for a secondary school—

(i) if the charge is not more than $1 569.00—the amount of the charge; or

(ii) if the charge is more than $1 569.00—$1 569.00 plus 50c for each dollar charged that is more than $1 569.00, to a maximum of $3 138.00;

(c) 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—

(i) for a student who will be less than 13 years at the end of the year for which the allowance is paid—

(A) if the charge is not more than $1 088.00—the amount of the charge; or

(B) if the charge is more than $1 088.00—$1 088.00 plus 50c for each dollar charged that is more than $1 088.00, to a maximum of $2 178.00; and

(ii) for a student who will be 13 years or more at the end of the year for which the allowance is paid—

(A) if the charge is not more than $1 569.00—the amount of the charge; or

(B) if the charge is more than $1 569.00—$1 569.00 plus 50c for each dollar charged that is more than $1 569.00, to a maximum of $3 138.00.

SCHEDULE 1 (continued)

PART 5—REMOTE AREA TRAVEL ALLOWANCE

1. For section 63, the following remote area travel allowance may be paid to a parent—

(a) if the student travels—

(i) from a home in area 1 to a place in area 3—$856.00; or

(ii) from a home in area 2 to a place in area 3—

(A) if the shortest trafficable route by road is via area 1—$856.00; or

(B) otherwise—$284.00; or

(iii) from a home in area 3 to a place in area 3—

(A) if the shortest trafficable route by road is via area 2—$284.00; or

(B) otherwise—$94.00;

(b) if the student travels to a place in area 1 or area 2 and the most convenient direct route by road is—

(i) not more than 150 km and takes—

(A) not more than 3 h—$94.00; or

(B) more than 3 h but not more than 4 h—$190.00; or

(C) more than 4 h—$284.00; or

(ii) more than 150 km but not more than 300 km and takes—

(A) not more than 4 h—$190.00; or

(B) more than 4 h—$284.00; or

(iii) more than 300 km—$284.00.

2. In this part—

"area 1" see part 6, division 1.

"area 2" see part 6, division 2.

"area 3" see part 6, division 3.

SCHEDULE 2

FEES FOR PREPARATION OF REPORTS

section 70

		$
1.	For a report of 1 000 words or less	82.50
2.	For a report of more than 1 000 words but less than 2 000 words	110.00
3.	For a report of 2 000 words or more	165.00

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)[11] of the Act, to give religious instruction.

"agricultural college" means an agricultural college under the *Agricultural Colleges Act 1994*.

"auditor", for a parents and citizens association, means a person appointed under the *Financial Administration and Audit Regulation 1995*, section 3.[12]

"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.

"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;

(c) for calculating a remote area disability allowance under section 65—the nearest school in receipt of subsidy with the appropriate special education as required by a student.

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

12 *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)

"permitted user" means the person to whom a permission to use a State educational institution has been given under section 20[13] 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 16 km from the nearest applicable school; and

(ii) is not less than 4.5 km 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 16 km from the nearest applicable school; and

(ii) is less than 4.5 km 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) not less than 56 km 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[14] of the Act for the school.

"school in receipt of subsidy" see the Act, section 141.[15]

"show cause notice" see section 53.

"show cause period" see section 53.

"social function" means an event or occasion—

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

14 Section 50 (Establishment) of the Act

15 Section 141 (Provision of scholarships and allowances)

SCHEDULE 3 (continued)

(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.

ENDNOTES

1 Index to endnotes

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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 21 December 2001. 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**	**=**	**previous**
amd	**=**	**amended**	**(prev)**	**=**	**previously**
amdt	**=**	**amendment**	**proc**	**=**	**proclamation**
ch	**=**	**chapter**	**prov**	**=**	**provision**
def	**=**	**definition**	**pt**	**=**	**part**
div	**=**	**division**	**pubd**	**=**	**published**
exp	**=**	**expires/expired**	**R[X]**	**=**	**Reprint No.[X]**
gaz	**=**	**gazette**	**RA**	**=**	**Reprints Act 1992**
hdg	**=**	**heading**	**reloc**	**=**	**relocated**
ins	**=**	**inserted**	**renum**	**=**	**renumbered**
lap	**=**	**lapsed**	**rep**	**=**	**repealed**
notfd	**=**	**notified**	**s**	**=**	**section**
o in c	**=**	**order in council**	**sch**	**=**	**schedule**
om	**=**	**omitted**	**sdiv**	**=**	**subdivision**
orig	**=**	**original**	**SIA**	**=**	**Statutory Instruments Act 1992**
p	**=**	**page**	**SIR**	**=**	**Statutory Instruments Regulation 1992**
para	**=**	**paragraph**	**SL**	**=**	**subordinate legislation**
prec	**=**	**preceding**	**sub**	**=**	**substituted**
pres	**=**	**present**	**unnum**	**=**	**unnumbered**

4 Table of earlier reprints

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

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)

as amended by—

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 commence 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

6 List of annotations

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

Division 1—Preliminary
div 1 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 2 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 3 hdg ins 2001 SL No. 273 s 5

Textbook and resource allowance
s 57 amd 2001 SL No. 211 s 19(2)

Allowances to certain student hostels
s 60 amd 2000 SL No. 316 s 3; 2001 SL No. 273 s 6

Remote area tuition allowance
s 62 sub 2001 SL No. 273 s 7

Remote area agricultural college allowance
s 64 amd 2001 SL No. 273 s 8

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

SCHEDULE 1—ALLOWANCES
amd 2000 SL No. 316 s 9
sub 2001 SL No. 273 s 9

SCHEDULE 23—DICTIONARY
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 not noted in the 'List of legislation' and 'List of annotations' but is noted by a footnote to the text.

8 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

Education (Accreditation of Non-State Schools) Regulation 2001 SL No. 211 s 19 reads as follows—

19 Amendment of Education (General Provisions) Regulation 2000

(1) This section amends the *Education (General Provisions) Regulation 2000.*

(2) Section 57(2), definition "approved student", paragraph (a), 'the School of Distance Education or any other'—

omit, insert—

'a non-State school that is provisionally accredited, or accredited, to provide distance education or a'.

(3) Schedule 3, definition "school in receipt of subsidy", 'the Act, section 141'—

omit, insert—

'section 134A(1) of the Act'.

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