



Queensland

Education (Accreditation of Non-State Schools) Act 2001

Education (Accreditation of Non-State Schools) Regulation 2001

Reprinted as in force on 19 April 2004

Reprint No. 2 *

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Warning—This reprint is not an authorised copy**

* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This regulation is reprinted as at 19 April 2004. 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. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also 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. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Education (Accreditation of Non-State Schools) Regulation 2001

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
3	What is harm caused to a student under 18.	3
Part 2	Accreditation criteria	
Division 1	Purpose of part	
4	Prescribed accreditation criteria—Act, s 9	4
Division 2	Financial viability criterion	
5	Financial viability	4
Division 3	Educational program, and student welfare processes, criteria	
6	Statement of philosophy and aims	4
7	Educational program	5
8	Students who are persons with a disability	6
9	Schools delivering distance education	6
9A	Flexible arrangements approvals	6
10	Health, safety and conduct of staff and students	7
Division 4	School resources criterion	
11	Staffing	9
12	Land and buildings	9
13	Educational facilities and materials	9
Division 5	Improvement processes criterion	
14	Improvement processes	10
Part 3	Miscellaneous	
15	Restriction on application for Government funding for school—Act, s 72(2)	10

*Education (Accreditation of Non-State Schools)
Regulation 2001*

16	Minimum enrolment—Act, s 85(3)(c) and (4)(c)	10
17	Copy of register—Act, s 165(b)	11
18	School survey data—Act, s 166(2)	11

Endnotes

1	Index to endnotes	12
2	Date to which amendments incorporated.	12
3	Key	12
4	Table of reprints	13
5	List of legislation	13
6	List of annotations	14

Education (Accreditation of Non-State Schools) Regulation 2001

[as amended by all amendments that commenced on or before 19 April 2004]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Education (Accreditation of Non-State Schools) Regulation 2001*.

2 Commencement

This regulation commences on 1 January 2002.

3 What is *harm* caused to a student under 18

- (1) *Harm*, caused to a student under 18 years, is any detrimental effect of a significant nature on the student's physical, psychological or emotional wellbeing.
- (2) It is immaterial how the harm is caused.
- (3) Harm can be caused by—
 - (a) physical, psychological or emotional abuse or neglect;
or
 - (b) sexual abuse or exploitation.

Part 2 Accreditation criteria

Division 1 Purpose of part

4 Prescribed accreditation criteria—Act, s 9

The purpose of this part is to prescribe accreditation criteria relevant for a school's accreditation as mentioned in section 9 of the Act.

Division 2 Financial viability criterion

5 Financial viability

A school must have access to adequate financial resources for its viable operation.

Division 3 Educational program, and student welfare processes, criteria

6 Statement of philosophy and aims

- (1) A school must have a written statement of philosophy and aims, adopted by its governing body, that is used as—
 - (a) the basis for the school's educational program; and
 - (b) a guide for the school's educational and organisational practices.
- (2) The statement must be consistent with the Adelaide Declaration on National Goals for Schooling in the Twenty-first Century.¹

¹ The declaration was made at the 10th Ministerial Council on Education, Employment, Training and Youth Affairs held on 22 and 23 April 1999. A copy of the declaration may be inspected during business hours at the board office or viewed at the website <<http://www.detya.gov.au/schools/adelaide/adelaide.htm>>.

*Education (Accreditation of Non-State Schools)
Regulation 2001*

7 Educational program

- (1) A school must have a written educational program that—
 - (a) has regard to the ages, abilities, aptitudes and development of the school's students; and
 - (b) promotes continuity in the learning experiences of the students; and
 - (c) is responsive to the needs of the students.
- (2) The program must enable the students to at least achieve—
 - (a) Queensland standards of learning; or
 - (b) standards of learning comparable to Queensland standards of learning.
- (3) Standards of learning stated in a program authorised by IBO or an interstate syllabus may be comparable to Queensland standards of learning.
- (4) In this section—

IBO means the International Baccalaureate Organization.

interstate syllabus means a syllabus that, under the legislation of another State, is approved for education in that State.

Queensland standards of learning means the standards of learning stated in—

- (a) an approved preschool guideline, or approved syllabus, under the *Education (Queensland Studies Authority) Act 2002*;² or
- (b) a vocational education and training course accredited by the Queensland Studies Authority under the *Education (Queensland Studies Authority) Act 2001*, section 14(a).³

2 Copies of the preschool guidelines or syllabuses may be purchased at the Office of the Queensland Studies Authority.

3 A list of the accredited courses may be obtained from the Office of the Queensland Studies Authority.

8 Students who are persons with a disability

A school must have written processes about—

- (a) identifying students of the school who are persons with a disability; and
- (b) devising an educational program, specific to the educational needs of those students who are persons with a disability, that complies with relevant anti-discrimination legislation.

9 Schools delivering distance education

- (1) A distance education school must have a written standard of service, appropriate to the school's distance education students achieving learning standards under the school's educational program.
- (2) The standard must deal with—
 - (a) the interactive teaching methods to be followed; and
 - (b) the communication procedures to be followed by the students and their teachers and tutors; and
 - (c) the regular tracking and assessment of work submitted by the students to the teachers; and
 - (d) the regular monitoring of the students' achievement of the learning standards.
- (3) The school's governing body must be able to demonstrate how the school is meeting the standard of service.
- (4) In this section—

distance education school means a school that utilises the distance education mode of delivery of education.

9A Flexible arrangements approvals

A school must—

- (a) ensure approvals are not given, or purportedly given, under the *Education (General Provisions) Act 1989*,

*Education (Accreditation of Non-State Schools)
Regulation 2001*

section 114A,⁴ other than in compliance with that section; and

- (b) comply with the requirements under that section about keeping documents relating to approvals.

10 Health, safety and conduct of staff and students

- (1) A school must have written processes about the health and safety of its staff and students, that accord with relevant workplace health and safety legislation.
- (2) Also, the school must have written processes about the appropriate conduct of its staff and students, that accord with legislation applying in the State about the care or protection of children.
- (3) Without limiting subsection (2), the processes must include—
 - (a) a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate; and
 - (b) a process for how the information reported to the stated staff member must be dealt with by the stated staff member.
- (4) For the process mentioned in subsection (3)(a), there must be stated at least 2 staff members to whom a student may report the behaviour.
- (5) Also, without limiting subsection (2), the processes must include the following—
 - (a) a process for reporting sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 1989*, section 146B;⁵
 - (b) a process for—

⁴ *Education (General Provisions) Act 1989*, section 114A (Flexible arrangements—non-State school)

⁵ *Education (General Provisions) Act 1989*, section 146B (Obligation to report sexual abuse of student under 18 years attending non-State school)

*Education (Accreditation of Non-State Schools)
Regulation 2001*

- (i) the reporting by a staff member, to the school's principal or another person nominated in the process, of harm that—
 - (A) the staff member is aware or reasonably suspects has been caused to a student who, when the harm was caused or is suspected to have been caused, was under 18 years; and
 - (B) is not harm to which the process mentioned in paragraph (a) applies; and
 - (ii) the reporting by the principal or other person, to a relevant State authority, of the harm or suspected harm if the principal or other person also is aware or reasonably suspects the harm has been caused.
- (6) The processes must—
- (a) be readily accessible by the staff and students; and
 - (b) provide for how the staff and students are to be made aware of the processes.
- (7) The school's governing body must be able to demonstrate how the school is implementing the processes.
- (8) In this section—
- relevant State authority*** means—
- (a) the chief executive, or another officer, of the department in which the *Child Protection Act 1999* is administered; or
 - (b) an authorised officer under the *Child Protection Act 1999*; or
 - (c) a police officer.

Division 4 School resources criterion

11 Staffing

- (1) A school must have a sufficient number, and appropriate types, of staff necessary for the effective delivery of the school's educational program.
- (2) Without limiting subsection (1), a school must—
 - (a) comply with relevant legislation about the employment of persons as teachers, including the *Education (Teacher Registration) Act 1988*; and
 - (b) if the school is offering preschool education and primary education—have a sufficient number of staff for the preschool component, decided by reference to the minimum number of staff for a school age care service under the *Child Care Regulation 2003*, part 2, division 2, subdivision 4.⁶

12 Land and buildings

A school must comply with relevant land use, building, and workplace health and safety, legislation in relation to the location of the school and its buildings.

13 Educational facilities and materials

A school must have the educational facilities and materials necessary for the effective delivery of the school's educational program.

⁶ *Child Care Regulation 2003*, part 2 (Centre based services), division 2 (Standard requirements for groups and staffing levels), subdivision 4 (Standard requirements for school age care service)

Division 5 Improvement processes criterion

14 Improvement processes

A school must have a demonstrable, systematic approach about improvement processes for the school, dealing with the following—

- (a) deciding strategies relevant to the processes and setting priorities for achieving the strategies;
- (b) how the strategies are to be achieved;
- (c) regular monitoring of the achievement of the strategies;
- (d) annual reporting about the achievement of the strategies to the school's community, including the school's staff and students and the parents of the students.

Part 3 Miscellaneous

15 Restriction on application for Government funding for school—Act, s 72(2)

For section 72(2) of the Act, the period is 2 years.

16 Minimum enrolment—Act, s 85(3)(c) and (4)(c)

For section 85(3)(c) and (4)(c) of the Act, the minimum enrolment is as follows—

- (a) for a school proposing to offer, or offering, preschool education and primary education—a full-time equivalent enrolment of 25;
- (b) for a school proposing to offer, or offering, primary education—a full-time equivalent enrolment of 25;
- (c) for a school proposing to offer, or offering, secondary education—

*Education (Accreditation of Non-State Schools)
Regulation 2001*

- (i) for years 8 to 10 years of schooling—a full-time equivalent enrolment of 20 for each year of schooling proposed to be offered, or offered, at the school; and
 - (ii) for years 11 and 12 years of schooling—a full-time equivalent enrolment of 10 for each year of schooling proposed to be offered, or offered, at the school;
- (d) for a school proposing to offer, or offering, special education—a full-time equivalent enrolment of 10.

17 Copy of register—Act, s 165(b)

- (1) For section 165(b) of the Act, the fee is 50c for each page, or part of a page, of the register.
- (2) The board may waive, wholly or partially, payment of the fee if it is satisfied payment of the fee would cause financial hardship to the person liable to pay it.
- (3) Also, the board may waive payment of the fee if it is satisfied on reasonable grounds that the anticipated cost to the board for collecting it makes it uneconomical to collect it.

18 School survey data—Act, s 166(2)

For section 166(2) of the Act, the day is the last Friday of February of each year.

Endnotes

1 Index to endnotes

		Page
2	Date to which amendments incorporated.	12
3	Key	12
4	Table of reprints	13
5	List of legislation	13
6	List of annotations	14

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 19 April 2004. Future amendments of the Education (Accreditation of Non-State Schools) Regulation 2001 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

*Education (Accreditation of Non-State Schools)
Regulation 2001*

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 January 2002	11 January 2002

Reprint No.	Amendments included	Effective	Notes
1A	2002 SL No. 155	1 July 2002	
1B	2003 SL No. 189	1 September 2003	
1C	2003 SL No. 346	1 January 2004	
1D	2004 SL No. 19	19 April 2004	R1D withdrawn, see R2
2	—	19 April 2004	

5 List of legislation

Education (Accreditation of Non-State Schools) Regulation 2001 SL No. 211

made by the Governor in Council on 22 November 2001
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)
exp 1 September 2012 (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 (Queensland Studies Authority) Regulation 2002 SL No. 155 ss 1–2, 97

notfd gaz 28 June 2002 pp 876–83
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2002 (see s 2)

Child Care Regulation 2003 SL No. 189 ss 1–2, 129

notfd gaz 22 August 2003 pp 1372–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2003 (see s 2)

Education (Accreditation of Non-State Schools) Amendment Regulation (No. 1) 2003 SL No. 346

notfd gaz 19 December 2003 pp 1307–13
ss 1–2 commenced on date of notification
s 4 commenced 1 January 2004 (see s 2)
remaining provision commenced on date of notification

Education Legislation Amendment Regulation (No. 1) 2004 SL No. 19 pts 1, 3

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)

6 List of annotations

Educational program

s 7 amd 2002 SL No. 155 s 97

Flexible arrangements approvals

s 9A ins 2003 SL No. 346 s 4

Health, safety and conduct of staff and students

s 10 amd 2004 SL No. 19 s 6

Staffing

s 11 amd 2003 SL No. 189 s 129

PART 4—CONSEQUENTIAL AMENDMENTS

pt 4 (ss 19–24) om R1 (see RA ss 7(1)(k) and 40)