



# **Youth Participation in Education and Training Act 2003**

**Reprinted as in force on 1 January 2006**

**Reprint No. 1**

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# Information about this reprint

This Act is reprinted as at 1 January 2006. 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 mentioned in the following list have also been made to—

- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 40)
- omit the enacting words (s 42A)
- make all necessary consequential amendments (s 7(1)(k)).

This page is specific to this reprint. A table of reprints is included in the endnotes.

**Also see endnotes for information about when provisions commenced.**

## 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.

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Queensland

# Youth Participation in Education and Training Act 2003

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
<b>Division 1</b>	<b>Introduction</b>	
1	Short title . . . . .	5
2	Commencement . . . . .	5
<b>Division 2</b>	<b>Application, objects and guiding principles</b>	
3	Act binds all persons . . . . .	6
4	Interaction with other legislation . . . . .	6
5	Ministerial declaration . . . . .	6
6	Main objects . . . . .	7
7	Activities to achieve objects . . . . .	7
8	Guiding principles . . . . .	8
<b>Division 3</b>	<b>Interpretation</b>	
9	Definitions . . . . .	8
10	Notes in text . . . . .	8
<b>Part 2</b>	<b>Compulsory participation in education or training</b>	
<b>Division 1</b>	<b>Key terms</b>	
11	Compulsory participation phase . . . . .	9
12	Eligible options and providers . . . . .	9
<b>Division 2</b>	<b>Participation in a program or course</b>	
13	Application of div 2 . . . . .	10
14	What is participation . . . . .	10
15	Full-time participation . . . . .	11
16	Allowed absence . . . . .	11
17	Suspension or exclusion . . . . .	11
<b>Division 3</b>	<b>Participation in an apprenticeship or traineeship</b>	
18	Participation in an apprenticeship or traineeship . . . . .	12

*Youth Participation in Education and Training Act  
2003*

---

<b>Division 4</b>	<b>Parents' obligation</b>	
19	Obligation to ensure participation . . . . .	12
20	Exceptions to obligation . . . . .	13
21	Information notice and meeting . . . . .	13
22	Limits on proceedings against a parent . . . . .	14
<b>Part 3</b>	<b>Dispensations</b>	
<b>Division 1</b>	<b>Bases for granting a dispensation</b>	
23	Explanation . . . . .	15
24	Participation is impossible or should not be required . . . . .	15
25	Home schooling . . . . .	15
<b>Division 2</b>	<b>Application process</b>	
26	Application for dispensation . . . . .	16
27	Lapsing of application . . . . .	17
28	Temporary dispensation until application is decided . . . . .	17
29	Contents of dispensation . . . . .	17
30	Notice about decision and right to seek review . . . . .	18
<b>Division 3</b>	<b>Review of decision by chief executive</b>	
31	Reviewable decision by chief executive . . . . .	18
32	Application for review . . . . .	19
33	Review decision . . . . .	19
<b>Division 4</b>	<b>Appeal to Magistrates Court</b>	
34	Application of div 4 . . . . .	20
35	Appeal to Magistrates Court . . . . .	20
36	Conduct of appeal . . . . .	20
<b>Part 4</b>	<b>Student accounts</b>	
<b>Division 1</b>	<b>Preliminary</b>	
37	Explanation and purposes . . . . .	21
<b>Division 2</b>	<b>Opening student accounts for young persons of compulsory school age</b>	
38	When an account must be opened . . . . .	21
39	Who must open an account . . . . .	22
40	How an account is opened . . . . .	22
40A	Young person's telephone number . . . . .	22
<b>Division 3</b>	<b>Student account phase</b>	
41	The student account phase . . . . .	23
42	Obligation to notify information . . . . .	23

*Youth Participation in Education and Training Act  
2003*

---

43	Obligation to open an account . . . . .	24
43A	Young person's telephone number . . . . .	24
44	Obligation to notify other matters . . . . .	25
45	Chief executive of VETE department may give notice on behalf of certain providers . . . . .	25
<b>Division 4</b>	<b>Use and disclosure of information</b>	
46	Use and disclosure by the QSA . . . . .	25
47	Disclosure by chief executive to appropriate entities . . . . .	27
<b>Division 5</b>	<b>Miscellaneous</b>	
48	Overseas students . . . . .	28
48A	Closing of account . . . . .	28
<b>Part 5</b>	<b>Legal proceedings</b>	
<b>Division 1</b>	<b>Evidence</b>	
49	Application of div 1 . . . . .	28
50	Appointments and authority . . . . .	28
51	Signatures . . . . .	29
52	Other evidentiary aids . . . . .	29
<b>Division 2</b>	<b>Offence proceedings</b>	
53	Summary proceedings for offences . . . . .	30
54	Statement of complainant's knowledge . . . . .	30
55	Evidence of chief executive's consent . . . . .	30
<b>Part 6</b>	<b>Miscellaneous</b>	
<b>Division 1</b>	<b>Involvement of certain non-State school entities</b>	
56	Entities to which this division applies . . . . .	30
57	Consultation about planning . . . . .	31
58	Consultation about proposed regulations . . . . .	31
59	Aggregated information . . . . .	31
<b>Division 2</b>	<b>Other matters</b>	
60	Transitional . . . . .	31
61	Confidentiality . . . . .	32
62	Delegation by chief executive . . . . .	33
63	Approved forms . . . . .	33
64	Regulation-making power . . . . .	33
<b>Schedule 2</b>	<b>Dictionary</b> . . . . .	34
<b>Attachment</b>	. . . . .	39

*Youth Participation in Education and Training Act  
2003*

---

**Endnotes**

1	Index to endnotes . . . . .	44
2	Date to which amendments incorporated . . . . .	44
3	Key . . . . .	44
4	Table of reprints . . . . .	45
5	List of legislation . . . . .	45
6	List of annotations . . . . .	45

# **Youth Participation in Education and Training Act 2003**

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

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

## **Part 1                      Preliminary**

### **Division 1                Introduction**

#### **1            Short title**

This Act may be cited as the *Youth Participation in Education and Training Act 2003*.

#### **2            Commencement**

- (1) The following provisions commence on assent—
  - part 7, division 1
  - section 83.
- (2) The following provisions commence on a day to be fixed by proclamation—
  - part 7, division 2, other than section 83
  - part 8, divisions 1 and 3
  - schedule 1.
- (3) The remaining provisions of this Act commence on 1 January 2006.

## **Division 2                      Application, objects and guiding principles**

### **3                      Act binds all persons**

- (1) This Act binds all persons including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) Subsection (1) does not make the State, the Commonwealth or another State liable to be prosecuted for an offence.

### **4                      Interaction with other legislation**

- (1) The *Education (General Provisions) Act 1989* includes provisions requiring young people to continue their schooling until they are 16 years or have completed year 10, whichever happens first.
- (2) This Act includes provisions requiring young people to continue in education and training for a further period for the purpose of achieving a senior certificate or certificate III.
- (3) The *Vocational Education, Training and Employment Act 2000* includes provisions about some of the eligible options available to young people during this further period of learning.
- (4) The *Education (Queensland Studies Authority) Act 2002* includes provisions about keeping student accounts for young people to record their participation in education and training.

### **5                      Ministerial declaration**

- (1) The *ministerial declaration ‘Stepping forward: improving pathways for all young people’* is the declaration of commitment to the young people of Australia by Ministers for Education, Employment, Training, Youth Affairs and Community Services endorsed in July 2002 by the Ministerial Council on Education, Employment, Training and Youth Affairs.



- (2) A copy of the declaration is set out in the attachment.
- (3) The attachment is not part of this Act.

## **6 Main objects**

The main objects of this Act are—

- (a) to implement initiatives, consistent with the ministerial declaration ‘Stepping forward: improving pathways for all young people’, to ensure young people participate in a period of education or training after they turn 16 or complete year 10; and
- (b) to outline a range of education and training options for them during this period; and
- (c) to provide for their participation and learning achievements during this period to be recorded.

## **7 Activities to achieve objects**

To achieve the objects of this Act, the chief executive may—

- (a) carry on the following activities (*planning activities*)—
  - (i) monitoring the operation and effectiveness of this Act;
  - (ii) carrying out planning relating to the matters dealt with under this Act;
  - (iii) developing strategies to better achieve the objects of this Act; and
- (b) carry on the following activities (*re-engagement activities*)—
  - (i) identifying young persons in the compulsory participation phase who are not participating full-time in an eligible option;
  - (ii) giving them information about the options available to them;
  - (iii) encouraging them to participate in a way that achieves the best learning outcomes for them;

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

## **8 Guiding principles**

This Act is to be administered in a way that has sufficient regard to the following principles—

- (a) the State should develop practical ways to improve the social, educational and employment outcomes of young people including, in particular, those who are at risk of disengaging from education and training;
- (b) the State should foster a community commitment to young people by involving members of the community and community organisations in—
  - (i) developing education and training opportunities for young people; and
  - (ii) re-engaging young people in education and training; and
  - (iii) developing ways to improve the social outcomes of young people;
- (c) the State should work with parents to achieve the best outcomes for young people;
- (d) the State should work in consultation with non-government entities to achieve the objects of this Act.

## **Division 3 Interpretation**

### **9 Definitions**

The dictionary in schedule 2 defines particular words used in this Act.

### **10 Notes in text**

A note in the text of this Act is part of this Act.

## Part 2 Compulsory participation in education or training

### Division 1 Key terms

#### 11 Compulsory participation phase

A young person's *compulsory participation phase*—

- (a) starts when the person stops being of compulsory school age; and
- (b) ends when the person—
  - (i) gains a senior certificate or certificate III; or
  - (ii) has participated in eligible options for 2 years after the person stopped being of compulsory school age; or
  - (iii) turns 17.

#### 12 Eligible options and providers

In the following table, each of the options listed is an *eligible option* and the entity stated opposite is the *provider* for the option

Eligible option	Provider
an educational program provided under the EGP Act	a State educational institution
an educational program provided under the <i>Education (Accreditation of Non-State Schools) Act 2001</i>	a non-State school
a higher education course under the <i>Higher Education (General Provisions) Act 2003</i>	a university or non-university provider
a course of vocational education and training provided under the VETE Act	a TAFE institute or registered training organisation

<b>Eligible option</b>	<b>Provider</b>
an apprenticeship or traineeship under the VETE Act	a registered training organisation
a departmental employment skills development program	the VETE chief executive

## **Division 2                      Participation in a program or course**

### **13            Application of div 2**

This division applies to an eligible option other than an apprenticeship or traineeship under the VETE Act.

### **14            What is participation**

- (1) A young person is participating in an eligible option only if the person is—
  - (a) enrolled with the provider in the relevant program or course; and
  - (b) complying with the provider’s attendance requirements for the program or course.
- (2) The provider’s attendance requirements for a program or course are the requirements about physically attending, at particular times, the provider’s premises or another place.
- (3) However, despite subsection (2)—
  - (a) the provider’s attendance requirements for a program of distance education are to complete and return the assigned work for the program; and
  - (b) the provider’s attendance requirements for another external program are its requirements about communicating with or contacting the provider for the purpose of participating in the program or course.

## 15 Full-time participation

A reference to full-time participation in an eligible option—

- (a) is a reference to participation in an eligible option at a level that is full-time under the requirements of the option; and
- (b) includes part-time participation in 2 or more eligible options to an extent that is at least equivalent to full-time participation in 1 option.

*Example for paragraph (b)—*

A young person is participating part-time in an educational program at a school (the *school program*) and part-time in a course of vocational education and training at a TAFE institute (the *VET course*).

The levels of the young person's participation are—

- 60% of full-time participation in the school program
- 40% of full-time participation in the VET course.

## 16 Allowed absence

A young person's participation in an eligible option is taken to continue during an absence allowed under the requirements of the option.

*Example—*

A person enrolled in an educational program at a State school is absent for a day because of illness.

## 17 Suspension or exclusion

- (1) If a young person participating in an eligible option stops attending the provider because the person has been suspended from the provider, the person's participation in the option is taken to continue during the period of the suspension.
- (2) Subsection (1) does not apply to suspension from a State educational institution under the EGP Act if the person has been placed in an alternative education program under section 30 of that Act.

*Youth Participation in Education and Training Act  
2003*

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*Note—*

Section 14(1) and (3)(b) provide for how the person participates in the alternative education program.

- (3) If a young person participating in an eligible option stops attending the provider because the person has been excluded from the provider, the person is taken (for this part) to be continuing to participate in an eligible option, at the same level as before the exclusion, for the time reasonably required for the person to resume participation in an eligible option.

### **Division 3                      Participation in an apprenticeship or traineeship**

#### **18            Participation in an apprenticeship or traineeship**

- (1) This section applies to a young person who is an apprentice or trainee under the VETE Act.
- (2) The person is taken to be participating full-time in an apprenticeship or traineeship under the VETE Act.

### **Division 4                      Parents' obligation**

#### **19            Obligation to ensure participation**

- (1) Each parent of a young person in the compulsory participation phase must ensure the young person is participating full-time in an eligible option, unless the parent has a reasonable excuse.

Maximum penalty—

- (a) for a first offence—5 penalty units; or
  - (b) for a second or subsequent offence, whether or not relating to the same child of the parent—10 penalty units.
- (2) Without limiting subsection (1), it is a reasonable excuse for a parent that—

- (a) the young person lives with another parent and the first parent believes, on reasonable grounds, the other parent is ensuring the young person participates full-time in an eligible option; or
- (b) in all the circumstances, the parent is not reasonably able to control the young person's behaviour to the extent necessary to ensure the young person participates full-time in an eligible option.

## **20 Exceptions to obligation**

- (1) Section 19(1) does not apply to the extent provided under a dispensation in force under part 3.
- (2) Section 19(1) does not apply if—
  - (a) the young person is in paid employment for at least 25 hours each week; or
  - (b) the young person is in paid employment for less than 25 hours each week, or unpaid employment, under an employment exemption.
- (3) Section 19(1) does not apply if the young person is enrolled with an entity providing a non-departmental employment skills development program and attending the entity for the program.
- (4) Section 19(1) does not apply to the extent of any inconsistency with a law of the Commonwealth under which a young person in the compulsory participation phase may carry on an activity other than participating full-time in an eligible option.

## **21 Information notice and meeting**

- (1) This section applies if an authorised officer reasonably suspects a young person is in the compulsory participation phase and is not participating full-time in an eligible option.
- (2) The officer may give a parent of the young person a notice in the approved form about the parent's obligation under section 19.

*Youth Participation in Education and Training Act  
2003*

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- (3) The officer may also meet with the parent to discuss the obligation.
- (4) If, despite the officer taking reasonable steps to meet with the parent under subsection (3), no meeting is held, the officer may give the parent a warning notice in the approved form.
- (5) For the *Police Powers and Responsibilities Act 2000*, section 14,<sup>1</sup> an authorised officer acting under this section is a public official performing a function authorised by this Act.
- (6) In this section—  
***authorised officer*** means the chief executive or an officer of the department authorised by the chief executive for this section.

## **22 Limits on proceedings against a parent**

- (1) Proceedings for an offence against section 19(1) may be brought against a parent—
  - (a) only by the chief executive or with the chief executive's consent; and
  - (b) only if the time when the parent is alleged to have committed the offence is after—
    - (i) the parent has been given a notice under section 21(2); and
    - (ii) at least 1 meeting has been held with the parent under section 21(3) or the parent has been given a warning notice under section 21(4).
- (2) The chief executive (families) is not liable to be prosecuted for an offence against section 19(1) in relation to a young person of whom the chief executive (families) has been granted guardianship under the *Child Protection Act 1999*.

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<sup>1</sup> *Police Powers and Responsibilities Act 2000*, section 14 (Helping public officials exercise powers under other Acts)



## **Part 3                      Dispensations**

### **Division 1                      Bases for granting a dispensation**

#### **23              Explanation**

This division states the bases on which the chief executive may grant a dispensation from the requirement that a young person participate in an eligible option.

#### **24              Participation is impossible or should not be required**

- (1) The chief executive may grant a dispensation fully excusing a young person from participation if the chief executive is satisfied—
  - (a) the young person can not participate in any eligible option; or
  - (b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option.
- (2) The chief executive may grant a dispensation partially excusing a young person from participation if the chief executive is satisfied—
  - (a) the young person can not participate in any eligible option at a full-time level; or
  - (b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option at a full-time level.

#### **25              Home schooling**

The chief executive may grant a dispensation if the chief executive is satisfied that, throughout the period to which the dispensation applies, the young person will be receiving education—

- (a) provided by a registered teacher; and

- (b) complying with the requirements prescribed under a regulation.

## **Division 2                      Application process**

### **26                      Application for dispensation**

- (1) A young person, or a parent of a young person, may apply to the chief executive for a dispensation from the requirement that the young person participate in an eligible option.
- (2) The application must—
  - (a) be in the approved form; and
  - (b) state whether dispensation is sought under section 24 or 25; and
  - (c) state the period for which the dispensation is sought; and
  - (d) for an application by a young person—include the signed consent of a parent of the young person.
- (3) However, subsection (2)(d) does not apply if the chief executive is satisfied it would be inappropriate in all the circumstances to require the signed consent of a parent.

*Example—*

an application by a young person living independently of his or her parents

- (4) The applicant must provide any other relevant information reasonably required by the chief executive.

*Examples—*

- 1 If dispensation is sought under section 24 because the young person is suffering an illness, the information required under this subsection may include stated medical evidence.
  - 2 If dispensation is sought under section 25, the information required under this subsection may include details of the educational program to be provided to the young person.
- (5) The chief executive must decide the application as soon as practicable.

## **27 Lapsing of application**

- (1) The chief executive may make a requirement under section 26(4), for information to decide the application, by giving the applicant a notice stating—
  - (a) the required information; and
  - (b) the time by which the information must be given to the chief executive; and
  - (c) that, if the information is not given to the chief executive by the stated time, the application will lapse.
- (2) The time stated must be reasonable and, in any case, at least 14 days after the requirement is made.
- (3) The chief executive may withdraw the requirement, or part of the requirement, at any time.
- (4) Before the stated time ends, the chief executive may give the applicant a further notice extending the stated time if the chief executive is satisfied it would be reasonable in all the circumstances to give the extension.
- (5) If the applicant does not comply with the requirement within the stated time, or any extension, the application lapses.

## **28 Temporary dispensation until application is decided**

- (1) If the application is made before the young person starts the person's compulsory participation phase, section 19(1) does not apply to a parent of the young person until 14 days after the chief executive gives notice to the applicant under section 30, or until the application lapses.
- (2) If the application is made while an existing dispensation is in force for the young person, the existing dispensation continues to apply until 14 days after the chief executive gives notice to the applicant under section 30, or until the application lapses.

## **29 Contents of dispensation**

- (1) This section applies if the chief executive decides to grant the dispensation.

- (2) The dispensation must state—
- (a) the day it is granted; and
  - (b) the young person to whom it relates; and
  - (c) whether it is full or partial and, if it is partial, the extent to which the person is excused from participation; and
  - (d) whether it applies until the end of the person's compulsory participation phase or only until a stated earlier time; and
  - (e) any conditions on which it is granted.

### **30 Notice about decision and right to seek review**

- (1) The chief executive must give the applicant notice of the decision on the application.
- (2) If the chief executive decides the application in a way mentioned in section 31(a) to (c), the notice must state—
- (a) the decision; and
  - (b) the reasons for the decision; and
  - (c) that, within 28 days after receiving the notice, the applicant may apply to the chief executive for a review of the decision; and
  - (d) how the applicant may apply for the review.

## **Division 3                      Review of decision by chief executive**

### **31 Reviewable decision by chief executive**

This division applies if the chief executive's decision on the application (the *original decision*) is to—

- (a) refuse to grant the dispensation; or
- (b) grant the dispensation on stated conditions; or
- (c) grant the dispensation for a lesser period than the period applied for.

### **32 Application for review**

- (1) The applicant may apply to the chief executive for a review of the original decision.
- (2) The application must be made—
  - (a) if the applicant receives notice about the original decision under section 30—within 28 days after the notice is received; or
  - (b) otherwise—within 28 days after the applicant becomes aware of the original decision.
- (3) The chief executive may extend the time for making the application.
- (4) The application must be in the approved form and supported by enough information to enable the chief executive to decide the application.

### **33 Review decision**

- (1) Unless the chief executive made the original decision personally, the chief executive must ensure the application is not dealt with by—
  - (a) the person who made the original decision; or
  - (b) a person in a less senior office than the person who made the original decision.
- (2) Within 28 days after receiving the application, the chief executive must review the original decision and make a decision (the *review decision*)—
  - (a) confirming the original decision; or
  - (b) amending the original decision; or
  - (c) substituting another decision for the original decision.
- (3) The chief executive must make the review decision on the material that led to the original decision and any other material the chief executive considers relevant.
- (4) Immediately after making the review decision, the chief executive must give the applicant notice of the decision.

- (5) If the chief executive makes the review decision in a way mentioned in section 31(a) to (c), the notice must state—
- (a) the decision; and
  - (b) the reasons for the decision; and
  - (c) that, within 28 days after receiving the notice, the applicant may appeal against the decision to the Magistrates Court.

## **Division 4                      Appeal to Magistrates Court**

### **34            Application of div 4**

This division applies if the chief executive makes a review decision in a way mentioned in section 31(a) to (c).

### **35            Appeal to Magistrates Court**

- (1) The applicant may appeal against the review decision to the Magistrates Court.
- (2) The appeal must be started—
  - (a) if the applicant receives notice about the review decision under section 33(5)—within 28 days after the notice is received; or
  - (b) otherwise—within 28 days after the applicant becomes aware of the review decision.
- (3) However, the court may extend the time for making the appeal.

### **36            Conduct of appeal**

- (1) The appeal is started by filing a notice of appeal in the court.
- (2) The appeal is by way of rehearing, unaffected by the review decision, on the material before the chief executive and any further evidence allowed by the court.
- (3) The court may—

- (a) allow the appeal and make any order it considers appropriate; or
- (b) dismiss the appeal.

## **Part 4                      Student accounts**

### **Division 1                  Preliminary**

#### **37            Explanation and purposes**

- (1) This part provides for the keeping of a record (a *student account*) for every young person about the person's participation in eligible options during the compulsory participation phase.
- (2) The purposes of keeping student accounts are—
  - (a) to support the Queensland Studies Authority (the *QSA*) in performing its certification functions under the *QSA Act*, section 13; and
  - (b) to make information available to the chief executive to enable the chief executive to carry on planning activities and re-engagement activities.<sup>2</sup>

### **Division 2                  Opening student accounts for young persons of compulsory school age**

#### **38            When an account must be opened**

A student account must be opened for a young person within 1 year before the start of the person's compulsory participation phase.

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<sup>2</sup> See section 7 (Activities to achieve objects).

### **39 Who must open an account**

The following person is responsible for opening a student account for a young person—

- (a) if the young person is enrolled with a State educational institution or non-State school—the principal of the institution or school;
- (b) otherwise—the chief executive.

### **40 How an account is opened**

A student account is opened for a young person by giving notice to the QSA of the following information—

- (a) the person's name and any previous names of the person;
- (b) the person's address;
- (c) the person's date of birth;
- (d) the person's sex;
- (e) whether the person is an Aborigine or Torres Strait Islander;
- (f) whether the person is a person from a non-English speaking background;
- (g) the eligible option in which the person proposes to participate when the person starts the compulsory participation phase;
- (h) whether the person's participation in the eligible option will be full-time;
- (i) other information prescribed under a regulation.

### **40A Young person's telephone number**

- (1) Subsection (2) applies if a student account is opened for a young person under section 40.
- (2) The person opening the account may, when opening the account, give notice to the QSA of the young person's



telephone number if the young person has consented to the giving of the notice.

- (3) The QSA must, as soon as practicable after receiving information under subsection (2), record the information in the account.

## **Division 3                      Student account phase**

### **41            The student account phase**

A young person is in the *student account phase* if—

- (a) the person is in the compulsory participation phase; or
- (b) the person is not yet in the compulsory participation phase but a student account has been opened for the person.

### **42            Obligation to notify information**

If a young person in the student account phase enrolls in a program or course with a provider, the provider must give notice to the QSA of the following information—

- (a) the person's name and any previous names of the person;
- (b) the person's address;
- (c) the person's date of birth;
- (d) the eligible option in which the person is participating, or proposes to participate, by the enrolment in the program or course;
- (e) the components of the eligible option being undertaken, or proposed to be undertaken, by the person;
- (f) the date of enrolment in the program or course;
- (g) the date the person started, or proposes to start, to comply with the provider's attendance requirements for the program or course;

- (h) whether the person's participation in the eligible option is, or will be, full-time;
- (i) the name, and type, of the provider.

#### **43 Obligation to open an account**

- (1) This section applies if the QSA receives a notice under section 42 about a young person who is in the compulsory participation phase but does not have a student account.
- (2) The QSA may give the provider a notice asking it to open an account for the young person.
- (3) On receiving the request, the provider must open a student account for the young person by giving notice to the QSA of the following information relating to the person—
  - (a) the information mentioned in section 40(a) to (f) and (i);
  - (b) the eligible option of the provider in which the person is participating or proposes to participate;
  - (c) whether the person's participation in the eligible option is, or will be, full-time;
  - (d) any other eligible options in which the person is participating, or has participated, since starting the compulsory participation phase of which the provider is aware.

#### **43A Young person's telephone number**

- (1) Subsection (2) applies if a student account is opened for a young person under section 43(3).
- (2) The provider opening the account may, when opening the account, give notice to the QSA of the young person's telephone number if the young person has consented to the giving of the notice.
- (3) The QSA must, as soon as practicable after receiving information under subsection (2), record the information in the account.

#### **44 Obligation to notify other matters**

- (1) This section applies to a provider with which a young person in the student account phase is enrolled.
- (2) The provider must give notice to the QSA, at the times prescribed under a regulation, of the following matters—
  - (a) if the provider is aware that information, previously notified to the QSA under this part, has changed or is incorrect—the new or correct information;
  - (b) if the person stops being enrolled with the provider—the date the person stopped being enrolled with the provider;
  - (c) if the person dies and the provider is aware of the death—the death.

*Note—*

The provider is also required to give the QSA certain information about the person's results. See the QSA Act, section 18A.

- (3) Subsection (2)(a) does not apply to information mentioned in section 40(g).

#### **45 Chief executive of VETE department may give notice on behalf of certain providers**

- (1) This section applies to a provider that is a TAFE institute or registered training organisation.
- (2) The provider complies with a requirement under this division to give notice to the QSA if, with the written agreement of the VETE chief executive, it gives the relevant information to the VETE chief executive and asks the VETE chief executive to give the notice on its behalf.

### **Division 4 Use and disclosure of information**

#### **46 Use and disclosure by the QSA**

- (1) The QSA may use student account information to perform its certification functions under the QSA Act, section 13.

*Youth Participation in Education and Training Act  
2003*

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- (2) To enable the QSA to ensure the accuracy of information recorded in a person's student account, the QSA may disclose student account information about the person to a provider.
- (3) To enable the chief executive to carry on planning activities,<sup>3</sup> the QSA must give the chief executive the aggregated information that the chief executive asks for.
- (4) The QSA must include, in its annual report for a financial year under the *Financial Administration and Audit Act 1977*, the details of each request under subsection (3) received during the year.
- (5) To enable the chief executive to carry on re-engagement activities,<sup>4</sup> the QSA must give the chief executive any of the prescribed information that the chief executive asks for about a stated young person or all young persons who, according to the person's student account or the persons' student accounts—
  - (a) is or are in the compulsory participation phase; and
  - (b) has or have stopped being enrolled with a provider; and
  - (c) after a period of at least 3 months, has or have not re-enrolled with a provider.
- (6) If there is a student account for a person, the QSA must give the person access to the information recorded in the account.
- (7) In this section—

***aggregated information*** means information about young people in the student account phase that—

- (a) comprises or includes, or is derived from, information given to the QSA under this part; and
- (b) could not reasonably be expected to result in the identification of any of the persons to whom it relates.

***prescribed information***, about a young person mentioned in subsection (5), means the following information recorded in the person's student account—

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3 See section 7(a) (Activities to achieve objects).

4 See section 7(b) (Activities to achieve objects).

*Youth Participation in Education and Training Act  
2003*

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- (a) name and any previous names;
- (b) address and telephone number;
- (c) date of birth;
- (d) the date the person stopped being enrolled with the provider;
- (e) any eligible option in which the person is participating and the components of the eligible option being undertaken by the person;
- (f) the name, and type, of the provider for an eligible option mentioned in paragraph (e);
- (g) any eligible option in which the person was participating immediately before the person stopped being enrolled with the provider and the components of the eligible option that were being undertaken by the person;
- (h) the name, and type, of the provider for an eligible option mentioned in paragraph (g).

***student account information*** means information recorded in a student account.

#### **47 Disclosure by chief executive to appropriate entities**

To help in carrying on re-engagement activities, the chief executive may disclose the following information about a young person in the compulsory participation phase to an entity the chief executive considers appropriate—

- (a) name and any previous names;
- (b) address;
- (c) date of birth;
- (d) the last eligible option in which the young person participated, so far as the chief executive is aware.

*Examples of entities that may be appropriate—*

- a provider
- a youth support entity
- a human services entity

## **Division 5                      Miscellaneous**

### **48            Overseas students**

- (1) This section applies despite divisions 2 and 3.
- (2) An entity must not open a student account for an overseas student, or give notice to the QSA of the enrolment of an overseas student, without the student's written agreement.
- (3) In this section—

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

### **48A        Closing of account**

- (1) This section applies if—
  - (a) there is open a student account for a young person; and
  - (b) the person dies.
- (2) The QSA must, as soon as practicable after becoming aware of the death, close the account.

## **Part 5                              Legal proceedings**

### **Division 1                      Evidence**

#### **49            Application of div 1**

This division applies to a proceeding under this Act.

#### **50            Appointments and authority**

It is not necessary to prove the appointment of the chief executive or an authorised officer, or the authority of the chief executive or an authorised officer to do anything under this

Act, unless a party, by reasonable notice, requires proof of the appointment or authority.

## **51 Signatures**

A signature purporting to be the signature of the chief executive or an authorised officer is evidence of the signature it purports to be.

## **52 Other evidentiary aids**

A certificate purporting to be signed by the chief executive and stating any of the following matters is evidence of the matter—

- (a) a stated document is—
  - (i) an approval, decision or requirement made under this Act; or
  - (ii) a dispensation granted under this Act; or
  - (iii) a notice given under this Act;
- (b) a stated document is a copy of a document mentioned in paragraph (a);
- (c) on a stated day, or during a stated period, an authorisation as an authorised officer was, or was not, in force for a stated person;
- (d) on a stated day, or during a stated period, a dispensation relating to a stated young person was, or was not, in force;
- (e) on a stated day, a stated person was given a stated notice under this Act;
- (f) on a stated day, a stated requirement was made of a stated person.

## **Division 2                      Offence proceedings**

### **53                      Summary proceedings for offences**

- (1) A proceeding for an offence against this Act must be taken in a summary way under the *Justices Act 1886*.
- (2) The proceeding must start—
  - (a) within 1 year after the commission of the offence; or
  - (b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

### **54                      Statement of complainant's knowledge**

In a complaint starting a proceeding for an offence against this Act, a statement that the matter of the complaint came to the complainant's knowledge on a stated day is evidence of when the matter came to the complainant's knowledge.

### **55                      Evidence of chief executive's consent**

A certificate, purporting to be signed by the chief executive, that the chief executive consents to the bringing of proceedings for an offence against section 19(1) is evidence of the consent.

## **Part 6                      Miscellaneous**

### **Division 1                      Involvement of certain non-State school entities**

#### **56                      Entities to which this division applies**

This division applies to the following entities—



- (a) the Association of Independent Schools of Queensland Inc.;
- (b) the Queensland Catholic Education Commission.

### **57 Consultation about planning**

The chief executive must consult regularly with the entities for the purpose of carrying on planning activities.<sup>5</sup>

### **58 Consultation about proposed regulations**

The Minister must consult with the entities before making a recommendation to the Governor in Council about making a regulation under section 40(i), 44(2) or 59.<sup>6</sup>

### **59 Aggregated information**

- (1) The QSA must give each of the entities, at the times prescribed under a regulation, the aggregated information prescribed under a regulation relating to the entity.

- (2) In this section—

*aggregated information* see section 46(7).

## **Division 2 Other matters**

### **60 Transitional**

To remove any doubt, it is declared that, despite section 11, a young person is not in the compulsory participation phase if the person turned 15 years or completed year 10 before the commencement of that section.

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<sup>5</sup> See section 7(a) (Activities to achieve objects).

<sup>6</sup> Section 40 (How an account is opened), 44 (Obligation to notify other matters) or 59 (Aggregated information)

## 61 Confidentiality

- (1) This section applies to a person—
  - (a) who is or has been—
    - (i) the chief executive or a public service employee in the department; or
    - (ii) an employee of a provider; or
    - (iii) an employee of the QSA; or
    - (iv) an entity, or an employee of an entity, to whom the chief executive has given information under section 47;<sup>7</sup> and
  - (b) who, in the course of the administration of this Act, or because of opportunity provided by the administration, has gained or has access to personal information about a young person in the student account phase.
- (2) The person must not make a record of the information or disclose the information to anyone else, other than—
  - (a) for a purpose of this Act; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or
  - (d) as permitted or required by another Act.

Maximum penalty—50 penalty units.
- (3) Subsection (2) continues to apply to personal information about a young person in the student account phase after the phase ends.
- (4) In this section—
 

***disclose*** information includes give access to the information.

***employee***, of a provider, the QSA or another entity, includes—

---

<sup>7</sup> Section 47 (Disclosure by chief executive to appropriate entities)

- (a) a person appointed to a position with the entity; and
- (b) a person engaged by the entity under a contract for services; and
- (c) an unpaid employee of the entity.

***personal information*** means information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

## **62 Delegation by chief executive**

- (1) The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified officer or employee of the department or the VETE department.
- (2) A delegation of a power may permit the subdelegation of the power to an appropriately qualified officer or employee of the department or the VETE department.
- (3) In this section—

***appropriately qualified*** includes having qualifications, experience or standing appropriate to exercise the power.

*Example of standing—*

a person's classification level in the public service

## **63 Approved forms**

The chief executive may approve forms for use under this Act.

## **64 Regulation-making power**

The Governor in Council may make regulations under this Act.

## Schedule 2      Dictionary

### section 9

***approved form***, for a purpose, means the form approved for the purpose by the chief executive under section 63.

***AQF*** see the VETE Act, section 19.<sup>8</sup>

***attending***, a provider or other entity, means complying with the provider or entity's attendance requirements in the relevant way stated in section 14(2) or (3).

***authorised officer*** see section 21(6).

***certificate III*** means a qualification by that name under the AQF.

***chief executive (families)*** means the chief executive of the department in which the *Child Protection Act 1999* is administered.

***compulsory participation phase*** see section 11.

***compulsory school age*** see the EGP Act, section 4A.<sup>9</sup>

*Note—*

See also the EGP Act, section 166E.

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8 VETE Act, section 19—

***AQF*** means the policy framework entitled 'Australian Qualifications Framework' that defines all qualifications (whether as defined under this chapter or otherwise) recognised nationally in education and training within Australia, endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs so as to commence on 1 January 1995 and that policy framework as amended from time to time.

9 *Education (General Provisions) Act 1989—*

**4A Meaning of *compulsory school age***

- (1) A child is of ***compulsory school age*** if the child is at least 6 years and less than 16 years.
- (2) However, a child is no longer of compulsory school age if the child has completed year 10.

Schedule 2 (continued)

***departmental employment skills development programs*** see the VETE Act, section 106C(2).

***distance education*** see the EGP Act, section 2(1).<sup>10</sup>

***educational program*** includes—

- (a) for a reference to an educational program provided under the EGP Act—a program under arrangements approved under the EGP Act, section 114B; or
- (b) for a reference to an educational program provided under the *Education (Accreditation of Non-State Schools) Act 2001*—a program under arrangements approved under the EGP Act, section 114A.

***EGP Act*** means the *Education (General Provisions) Act 1989*.

***eligible option*** see section 12.

***employment exemption*** means an employment exemption in force under the VETE Act, chapter 5, part 3, division 5A.<sup>11</sup>

***external program*** means—

- (a) an alternative education program under the EGP Act, section 30;
- (b) a program under arrangements approved under the EGP Act, section 114A or 114B;
- (c) another program or course for which the provider's requirements do not include physically attending, at particular times, the provider's premises or another place.

***full-time***, in relation to participation in an eligible option, means at a level that is full-time under the following provisions—

---

10 EGP Act, section 2(1)—

***distance education*** means education provided where students and teachers are not regularly in the presence of each other for that purpose but communicate with each other in writing, by print or by electronic-means or other like-means.

11 VETE Act, chapter 5 (Ombudsman, board and council), part 3 (Training and employment recognition council), division 5A (Deciding employment exemptions)

Schedule 2 (continued)

(a) for an apprenticeship or traineeship under the VETE Act—section 18(2);

(b) otherwise—section 15.

**guardian** means a person who is recognised in law as having all the duties, powers, responsibilities and authority that, by law, parents have in relation to their children.<sup>12</sup>

**human services** includes education, family support, health and housing.

**human services entity** means a Commonwealth, State or local government entity with functions relating to human services.

**information** includes a document.

**ministerial declaration ‘Stepping forward: improving pathways for all young people’** see section 5.

**non-departmental employment skills development program** means a program included in the register maintained under the VETE Act, section 183E.

**non-State school** means a school that is accredited, or provisionally accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.

**non-university provider** see the *Higher Education (General Provisions) Act 2003*, schedule 2.

**notice** means written notice.

**original decision**, for part 3, division 3,<sup>13</sup> see section 31.

**parent** includes a guardian.

**participating**, in an eligible option, means participating under the following provisions—

(a) for an apprenticeship or traineeship under the VETE Act—section 18(2);

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12 See the *Family Law Act 1975* (Cwlth), part 7 (Children), division 2 (Parental responsibility).

13 Part 3 (Dispensations), division 3 (Review of decision by chief executive)

Schedule 2 (continued)

(b) otherwise—section 14.

***planning activities*** see section 7(a).

***principal***, of a non-State school with no position by that name, means the person responsible for the school's day-to-day management.

***provider***—

(a) generally—see section 12; and

(b) in a provision about an eligible option—means the provider for the option.

***QSA Act*** means the *Education (Queensland Studies Authority) Act 2002*.

***Queensland Studies Authority*** or ***QSA*** means the Queensland Studies Authority established under the QSA Act, section 6.

***re-engagement activities*** see section 7(b).

***registered teacher*** see the *Education (Queensland College of Teachers) Act 2005*, schedule 3.

***registered training organisation*** see the VETE Act, section 14.

*Note*—

This includes an agricultural college. See the *Agricultural Colleges Act 1994*,<sup>14</sup> section 3.

***review decision***, for part 3, divisions 3 and 4, see section 33(2).

***senior certificate*** means a certificate of achievement of that type issued under the QSA Act.

***State educational institution*** means an educational institution established under the EGP Act, section 16, 17 or 18.

***State school*** means a State school within the meaning of the EGP Act.

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14 Now see the *Agricultural College Act 2005*, section 50.

Schedule 2 (continued)

***student account*** see section 37(1).

***student account phase*** see section 41.

***TAFE institute*** see the VETE Act, section 191.

***university*** see the *Higher Education (General Provisions) Act 2003*, schedule 2.

***VETE Act*** means the *Vocational Education, Training and Employment Act 2000*.

***VETE chief executive*** means the chief executive of the VETE department.

***VETE department*** means the department in which the VETE Act is administered.



## **Attachment**

section 5

### **Ministerial declaration ‘Stepping forward: improving pathways for all young people’**

#### **A commitment to the young people of Australia by Ministers for Education, Employment, Training, Youth Affairs and Community Services**

Young people make a significant contribution to Australia today and will shape what it will be tomorrow. The vitality, ideas, creativity and visions of all young people must be embraced.

The majority of young people are doing well, moving successfully through the different stages of their lives and responding to the challenges of the future. We can be confident that they will achieve success, find fulfilment in their adult lives and make a positive contribution to this country.

Some young people find their journeys more difficult and challenging. They may face problems in acquiring the knowledge, skills and self-confidence that form the foundations of their adult lives. We recognise the emotional, physical, cultural and learning barriers faced by these young people and the social, economic and locational factors that may negatively impact on their lives. There are opportunities for governments to address these barriers so that young people can achieve their best.

As Ministers entrusted with the collective wellbeing and interests of young people, we must foster an environment in which young people are nurtured and challenged—a society where all young people can realise their full potential. We

### Attachment (continued)

must work together to support young Australians to achieve success as individuals and as members of society. We need to act collectively and we need to act now.

## Vision

Our vision is of an Australia where:

- young people benefit and flourish through sustaining networks of family, friends and community, and through their engagement in education, training, employment, recreation and society
- young people's opinions and contributions are sought and valued, and they are encouraged and supported to take an active role in their communities and the nation
- young people's lives are enriched by positive learning experiences and opportunities that assist them to reach their full potential
- we recognise and celebrate young people's achievements.

## Challenge

Our challenge is to:

- listen and respond to young people
- work creatively in partnership with young people to build comprehensive networks that draw together jurisdictions, government departments, families and communities so that united we can address the complex issues confronting young people
- recognise and address structural barriers faced by young people

### Attachment (continued)

- ensure that our governmental systems recognise the diversity of young people through being inclusive, flexible and adaptive
- create effective opportunities for young people that are accessible, integrated and meaningful
- encourage young people to take increasing responsibility for their own lives, support their peers and contribute to their community
- ensure that young people have the information, skills and support needed to negotiate the transition to adult life and to make informed life decisions.

## **Our declaration**

With this declaration, we commit to developing practical ways to increase the social, educational and employment outcomes of Australia's young people including those who are at risk, disconnected or in vulnerable circumstances. We agree to establish a common direction to make a real and lasting difference to the lives of young people. We are united by a shared commitment and a joint responsibility. We unanimously agree to work in partnership towards implementing a shared vision for all young people.

*Youth Participation in Education and Training Act  
2003*

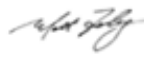
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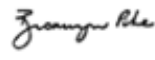
Australia's Ministers for Education, Employment, Training, Youth Affairs  
and Community Services



The Hon. Lynne Kosky MP  
Chair, Ministerial Council on Education,  
Employment, Training and Youth Affairs  
Minister for Education and Training (VIC.)



The Hon. Matt Foley MP  
Chair, Ministerial Subcommittee  
on Young  
Peoples Transitions  
Minister for Employment,  
Training and Youth Affairs  
Minister for the Arts (QLD)



The Hon. Bronwyn Pike MP  
Chair, Community Services  
Ministers Conference  
Minister for Aged Care (VIC.)



The Hon. Simon  
Corbell MLA  
Minister for  
Education, Youth and  
Family Services  
(ACT)



The Hon. Tony Abbott  
MP  
Minister for Employment,  
Workplace Relations  
and Small Business  
(Cwth)



The Hon. Larry Anthony MP  
Minister for Children and  
Youth Affairs (Cwth)



The Hon. Brendan  
Nelson MP  
Minister for  
Education, Science  
and Training (Cwth)



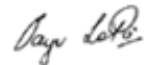
Senator Amanda  
Vanstone  
Minister for Family and  
Community  
Services (Cwth)



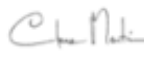
The Hon. Carmel  
Tebbutt MLC  
Minister Assisting the  
Premier  
on Youth (NSW)



The Hon. John Watkins  
MP  
Minister for Education  
and Training (NSW)



The Hon. Faye Lo Po MP  
Minister for Community  
Services (NSW)



The Hon. Clare Martin  
MLA  
Chief Minister,  
Minister for  
Young Territorians  
(NT)



The Hon. Syd Stirling  
MLA  
Minister for Education,  
Employment  
and Training (NT)

*Youth Participation in Education and Training Act  
2003*

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Attachment (continued)



The Hon. Jane Aagaard MLA  
Minister for Health  
and  
Community Services  
(NT)



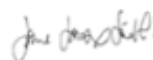
The Hon. Anna Bligh MP  
Minister for Education  
(QLD)



The Hon. Judy Spence MP  
Minister for Families (QLD)



The Hon. Stephanie Key MP  
Minister for Youth  
(SA)



The Hon. Dr Jane Lomax-Smith MP  
Minister for Employment,  
Training  
and Further Education  
(SA)



The Hon. Patricia White MP  
Minister for Education  
and Childrens  
Services (SA)



The Hon. Paula Wriedt  
MHA  
Minister for Education  
(TAS)



The Hon. Judy Jackson  
MHA  
Minister for Health and  
Human Services (TAS)



The Hon. Monica Gould MLC  
Minister for  
Education Services  
Minister for Youth  
Affairs  
Leader of the  
Legislative Council  
(VIC)



The Hon. John Pandazopoulos MP  
Minister for Employment,  
Gaming and Tourism  
Minister Assisting the  
Premier  
on Multicultural Affairs  
(VIC)



The Hon. Alan Carpenter MLA  
Minister for  
Education, Sport and  
Recreation,  
and Indigenous  
Affairs (WA)



The Hon. John Kobelke  
MLA  
Minister for Consumer  
and Employment  
Protection, and Training  
Packages (WA)



The Hon. Sheila McHale  
MLA  
Minister for Community  
Development, Womens  
Interests, Seniors and  
Youth, Disability Services,  
Culture and the Arts (WA)

## Endnotes

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated. . . . .	44
3	Key . . . . .	44
4	Table of reprints . . . . .	45
5	List of legislation . . . . .	45
6	List of annotations . . . . .	45

### 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 January 2006. Future amendments of the Youth Participation in Education and Training Act 2003 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 included	Effective	Notes
1	2004 Act No. 53 2005 Act No. 65	1 January 2006	

## 5 List of legislation

### **Youth Participation in Education and Training Act 2003 No. 62**

date of assent 13 October 2003

ss 1–2, pt 7 div 1, s 83 commenced on date of assent (see s 2(1))

pt 7 div 2 (other than s 83), pt 8 divs 1, 3, sch 1 commenced 1 January 2004 (2003

SL No. 278)

remaining provisions commenced 1 January 2006 (see s 2(3))

amending legislation—

### **Statute Law (Miscellaneous Provisions) Act 2004 No. 53**

date of assent 29 November 2004

commenced on date of assent

### **Youth Participation in Education and Training and Another Act Amendment Act**

**2005 No. 65 s 1, pt 2, s 3 sch**

date of assent 28 November 2005

commenced on date of assent

## 6 List of annotations

### **Eligible options and providers**

s 12 amd 2004 No. 53 s 2 sch

### **Suspension or exclusion**

s 17 amd 2005 No. 65 s 3 sch

### **How an account is opened**

s 40 sub 2005 No. 65 s 4

### **Young person's telephone number**

s 40A ins 2005 No. 65 s 4

### **Obligation to notify information**

s 42 sub 2005 No. 65 s 5

**Obligation to open an account**  
s 43      amd 2005 No. 65 s 6

**Young person's telephone number**  
s 43A     ins 2005 No. 65 s 7

**Obligation to notify other matters**  
s 44      amd 2005 No. 65 s 8

**Use and disclosure by the QSA**  
s 46      amd 2005 No. 65 s 9

**Closing of account**  
s 48A     ins 2005 No. 65 s 10

**Consultation about proposed regulations**  
s 58      amd 2005 No. 65 s 11

**Aggregated information**  
s 59      amd 2005 No. 65 s 12

**Transitional**  
s 60      amd 2005 No. 65 s 13

**Confidentiality**  
s 61      amd 2005 No. 65 s 14

**PART 7—AMENDMENT OF EDUCATION (GENERAL PROVISIONS) ACT 1989**  
pt hdg    om R1 (see RA s 7(1)(k))

**Division 1—Preliminary**  
div 1 (s 65) om R1 (see RA ss 7(1)(k) and 40)

**Division 2—Amendments commencing on proclamation**  
div 2 (ss 66–84) om R1 (see RA ss 7(1)(k) and 40)

**Division 3—Amendments commencing on 1 January 2006**  
div hdg    om R1 (see RA s 7(1)(k))

**Amendment of s 2 (Interpretation)**  
s 85      om R1 (see RA s 40)

**Insertion of new s 4A**  
s 86      om R1 (see RA s 40)

**Amendment of s 114A (Flexible arrangements—non-State school)**  
s 87      om R1 (see RA s 40)

**Amendment of s 114B (Flexible arrangements—State educational institution)**  
s 88      om R1 (see RA s 40)

**Amendment of s 115 (Dispensation from compliance with compulsory enrolment and attendance provisions)**  
s 89      om R1 (see RA s 40)

**Insertion of new s 116C**  
s 90      om R1 (see RA s 40)



**Insertion of new s 166E**

**s 91** sub 2005 No. 65 s 15  
om R1 (see RA s 40)

**PART 8—AMENDMENT OF OTHER ACTS**

**pt hdg** om R1 (see RA s 7(1)(k))

**Division 1—Education (Accreditation of Non-State Schools) Act 2001**

**div 1 (ss 92–93)**om R1 (see RA ss 7(1)(k) and 40)

**Division 2—Education (Queensland Studies Authority) Act 2002**

**div hdg** om R1 (see RA s 7(1)(k))

**Act amended in div 2**

**s 94** om R1 (see RA s 40)

**Amendment of s 3 (Objects of Act)**

**s 95** om R1 (see RA s 40)

**Insertion of new s 14A**

**s 96** om R1 (see RA s 40)

**Amendment of pt 2, div 4 hdg (Tests and nullifications of syllabuses and preschool guidelines)**

**s 97** om R1 (see RA s 40)

**Insertion of new ss 18A and 18B**

**prov hdg** amd 2005 No. 65 s 16(1)

**s 98** amd 2005 No. 65 s 16(2)  
om R1 (see RA s 40)

**Division 3—Education (Teacher Registration) Act 1988**

**div 1 (ss 99–100)**om R1 (see RA ss 7(1)(k) and 40)

**Division 4—Freedom of Information Act 1992**

**div hdg** om R1 (see RA s 7(1)(k))

**Act amended in div 4**

**s 101** om R1 (see RA s 40)

**Amendment of s 11 (Act not to apply to certain bodies etc.)**

**s 102** sub 2005 No. 65 s 17  
om R1 (see RA s 40)

**Amendment of s 11 (Act not to apply to certain bodies etc.)**

**s 103** om 2005 No. 65 s 18

**SCHEDULE 2—DICTIONARY**

def “**external program**” amd 2005 No. 65 s 3 sch

def “**non-university provider**” amd 2004 No. 53 s 2 sch

def “**registered teacher**” sub 2005 No. 65 s 19

def “**university**” amd 2004 No. 53 s 2 sch