



Queensland

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

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

Reprinted as in force on 4 September 2009

Reprint No. 3A<sup>\*</sup>

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
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. Footnotes have been relocated as editor's notes.

# Information about this reprint

This regulation is reprinted as at 4 September 2009. 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.

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.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

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

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

[as amended by all amendments that commenced on or before 4 September 2009]

## 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.

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## **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 Melbourne Declaration on Educational Goals for Young Australians.

*Editor's note—*

The declaration was made at the 26th Ministerial Council on Education, Employment, Training and Youth Affairs held on 5 December 2008 in conjunction with the Australian Education Ministers' First Biennial

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Forum. A copy of the declaration may be viewed at the website  
<[www.mceecdya.edu.au](http://www.mceecdya.edu.au)>.

## 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 preparatory guideline, or approved syllabus, under the *Education (Queensland Studies Authority) Act 2002*; or

*Editor's note—*

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

- (b) a vocational education and training course accredited by the Queensland Studies Authority under the *Education (Queensland Studies Authority) Act 2002*, section 14(a).

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*Editor's note—*

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.



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## 9A Flexible arrangements approvals

A school must—

- (a) ensure approvals are not given, or purportedly given, under the *Education (General Provisions) Act 2006*, section 182, 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 2006*, section 366;
  - (b) a process for—

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- (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.

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## **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 comply with relevant legislation about the employment of persons as teachers, including the *Education (Queensland College of Teachers) Act 2005*.

### **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.

## **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;

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

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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 4 September 2009. 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
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 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	
2A	2005 SL No. 310	1 January 2006	
2B	2006 SL No. 246	30 October 2006	
2C	2006 SL No. 246	1 January 2007	R2C withdrawn, see R3
3	—	1 January 2007	
3A	2009 SL No. 187	4 September 2009	

## 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)

### **Education and Other Legislation Amendment Regulation (No. 1) 2005 SL No. 310 pts 1, 3**

notfd gaz 16 December 2005 pp 1490–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2006 (see s 2)

### **Education (General Provisions) Regulation 2006 SL No. 246 ss 1, 2(1), (3), 90(1)–(2) schs 1–2**

notfd gaz 6 October 2006 pp 577–80

ss 1–2 commenced on date of notification

s 90(2) sch 2 commenced 1 January 2007 (see s 2(1))

remaining provisions commenced 30 October 2006 (see s 2(3))



**Education (Accreditation of Non-State Schools) Amendment Regulation 2009 SL No. 187**

notfd gaz 4 September 2009 pp 77–8  
commenced on date of notification

## **6 List of annotations**

### **Statement of philosophy and aims**

**s 6** amd 2009 SL No. 187 s 3

### **Educational program**

**s 7** amd 2002 SL No. 155 s 97; 2006 SL No. 246 s 90(2) sch 2; 2009 SL No. 187 s 4

### **Flexible arrangements approvals**

**s 9A** ins 2003 SL No. 346 s 4  
amd 2006 SL No. 246 s 90(1) sch 1

### **Health, safety and conduct of staff and students**

**s 10** amd 2004 SL No. 19 s 6; 2006 SL No. 246 s 90(1) sch 1

### **Staffing**

**s 11** amd 2003 SL No. 189 s 129; 2005 SL No. 310 s 6; 2006 SL No. 246 s 90(2) sch 2

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

**s 16** amd 2006 SL No. 246 s 90(2) sch 2

## **PART 4—CONSEQUENTIAL AMENDMENTS**

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