



Queensland

Education (Accreditation of Non-State Schools) Act 2001

Education (Accreditation of Non-State Schools) Regulation 2001

Current as at 1 July 2014

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/Leg_Info/information.htm.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



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 1 July 2014]

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.

[s 4]

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

Forum. A copy of the declaration may be viewed at the website <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—

Australian curriculum see the *Education (Queensland Curriculum and Assessment Authority) Act 2014*, schedule 2.

Australian Qualifications framework means the Australian Qualifications Framework within the meaning of the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

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) a syllabus or guideline developed, purchased or revised by the Queensland Curriculum and Assessment Authority under the *Education (Queensland Curriculum*

[s 8]

and Assessment Authority) Act 2014; or

- (b) a vocational education and training course at level 1 or above under the Australian Qualifications framework; or
- (c) the Australian curriculum.

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 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—
 - (i) sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366; and

[s 10]

- (ii) a suspicion of likely sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366A;
 - (b) a process for—
 - (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 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;

[s 14A]

- (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 2A School survey data

14A Definitions for this part

In this part—

relevant period, for a school, means the period—

- (a) starting on the first day that students are to attend the school in a calendar year; and
- (b) ending on the last Friday of February of that calendar year.

14B Relevant day for 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.

14C Prescribed school survey data

- (1) For schedule 3, definition *school survey data*, paragraph (g), each of the following details about a school are prescribed—
 - (a) the number of full-time students that have attended the school under section 14D;
 - (b) the number of part-time students that have attended the school under section 14E.
- (2) Also, the following details are prescribed separately for full-time students and part-time students mentioned in subsection (1)—
 - (a) the number of students whose principal place of residence is located in an isolated zone;

-
- (b) the number of students who, in the opinion of the school's principal, require ESL tuition;
 - (c) the number of students who are persons with a disability;
 - (d) the number of students who identify as being of Aboriginal or Torres Strait Islander descent;
 - (e) the number of students who are overseas students;
 - (f) the number of students who reside in boarding facilities provided by the school or another school.
- (3) Also, the following details about students mentioned in subsection (2)(f) are prescribed—
- (a) the total amount of fees paid in relation to the students to reside in the facilities (not inclusive of any tuition fees);
 - (b) for students that reside in facilities provided by the school—the total amount of concessions granted by the school to reduce the fees payable in relation to the students for reasons of economic hardship.
- (4) In this section—

isolated zone means an isolated zone shown on a map in the document titled 'School Survey Data for Non-State Schools—Queensland'.

Editor's note—

A copy of the document is available from the Non-State Schools Accreditation Board's website at <www.nssab.qld.edu.au>.

overseas student has the meaning given by the *Australian Education Act 2013* (Cwlth).

14D When has a full-time student attended a school

- (1) This section establishes when a full-time student is taken to have attended a school for the purposes of the school survey data.

[s 14E]

- (2) A full-time student is taken to have attended a school during the relevant period if—
 - (a) the student is enrolled at the school; and
 - (b) the student is acknowledged by the school as having attended the school at least 11 days of the program or course of study for which the student is enrolled.
- (3) However, a full-time student is also taken to have attended the school if—
 - (a) the student attended the school for less than the 11 days because of the student's absence from the school; and
 - (b) the student's absence was for a reason that was beyond the control of—
 - (i) if the student is living independently of his or her parents or guardian—the student; or
 - (ii) otherwise—the student's parent or guardian.

14E When has a part-time student attended a school

- (1) This section establishes when a part-time student is taken to have attended a school for the purposes of the school survey data.
- (2) A part-time student has attended a school during the relevant period if—
 - (a) the student is enrolled at the school; and
 - (b) the student is acknowledged by the school as having attended the school for at least the minimum period of the program or course of study for which the student is enrolled.
- (3) However, a part-time student is also taken to have attended the school if—
 - (a) the student attended the school for less than the minimum period because of the student's absence from the school; and

-
- (b) the student's absence was for a reason that was beyond the control of—
- (i) if the student is living independently of his or her parents or guardian—the student; or
 - (ii) otherwise—the student's parent or guardian.
- (4) A *minimum period*, of a program or course of study for a part-time student, means the days worked out using the following formula—

$$MP = (11/RP) \times PTD$$

where—

MP means the minimum number of days.

PTD means the number of days during which a program or course of study for which the student is enrolled is taught in the relevant period.

RP means the number of days in the relevant period.

- (5) Each day a part-time student attends a school, or during which a program or course of study for which a student is enrolled is taught, is taken to be 1 whole day for the purposes of calculating MP and PTD, regardless of the number of hours for the student for the day.
- (6) Also, for the purpose of calculating the minimum period, the MP must be rounded up to a whole number.

Example—

An MP of 4.2 days would be rounded up to 5 days.

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.

[s 16]

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.

16A Minimum enrolment for particular applications—Act, s 85(3)(c) and (4)(c)

- (1) This section applies to any of the following applications made before 1 January 2015—
 - (a) an application taken to be an application for Government funding under section 74 of the Act if the student-intake day stated in the application is a day on or after 1 January 2015;
 - (b) an application to which section 50 of the Act applies if the application is about a change in an attribute of provisional accreditation applying to a school to take effect on or after 1 January 2015;
 - (c) an application for Government funding for a school under section 73 of the Act.
- (2) Despite section 16, the minimum enrolment for section 85(3)(c) and (4)(c) of the Act 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 7 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.
- (3) For subsection (2)—
- (a) primary education is taken to not include education offered in year 7; and
 - (b) secondary education is taken to include education offered in year 7.
- (4) This section expires on 1 January 2015.

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.

Endnotes

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2 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 version |
| 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 2012 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum | = unnumbered |
| prev | = previous | | |

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| 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 | |
| Current as at | Amendments included | Notes | |
| 29 January 2013 | 2012 SL No. 230 | | |
| 22 November 2013 | 2013 SL No. 228 | | |
| 21 February 2014 | 2014 SL No. 16 | | |
| 1 July 2014 | 2014 SL No. 126 | | |

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

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 31 August 2014 (see SIA s 56A(2) and SIR s 3 sch 2 pt 2)

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

Education Legislation Amendment Regulation (No. 1) 2012 SL No. 32 pts 1–2 (this regulation is amended, see amending legislation below)

notfd gaz 17 February 2012 pp 340–3
ss 1–2 commenced on date of notification
remaining provisions never commenced and om (2012 SL No. 71 s 3)

amending legislation—

Education Legislation Amendment Regulation (No. 2) 2012 SL No. 71 ss 1–3 (amends 2012 SL No. 32 above)

notfd gaz 15 June 2012 pp 329–30
commenced on date of notification

Education Legislation Amendment Regulation (No. 3) 2012 SL No. 230 pts 1–2

notfd gaz 14 December 2012 pp 548–52
ss 1–2 commenced on date of notification
remaining provisions commenced 29 January 2013 (see s 2)

Education, Training and Other Legislation Amendment Regulation (No. 1) 2013 SL No. 228 pts 1–2

notfd <www.legislation.qld.gov.au> 22 November 2013
ss 1–2 commenced on date of notification
s 4 commences 1 January 2015 (see s 2)
remaining provision commenced on date of notification

Education (Accreditation of Non-State Schools) Amendment Regulation (No. 1) 2014 SL No. 16

notfd <www.legislation.qld.gov.au> 21 February 2014
commenced on date of notification

Education (Queensland Curriculum and Assessment Authority) Regulation 2014 SL No. 126 ss 1–2, pt 15 div 1

notfd <www.legislation.qld.gov.au> 27 June 2014
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2014 (see s 2)

5 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; 2014 SL No. 126 s 185

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; 2012 SL No. 230 s 4

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

PART 2A—SCHOOL SURVEY DATA

pt 2A (ss 14A–14E) ins 2014 SL No. 16 s 3

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

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

Minimum enrolment for particular applications—Act, s 85(3)(c) and (4)(c)

s 16A ins 2013 SL No. 228 s 5
exp 1 January 2015 (see s 16A(4))

School survey data—Act, s 166(2)

s 18 om 2014 SL No. 16 s 4

PART 4—CONSEQUENTIAL AMENDMENTS

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

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