



Queensland

*Education (General Provisions) Act 2006*

# **Education (General Provisions) Regulation 2006**

**Current as at 28 November 2014**

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Queensland

# Education (General Provisions) Regulation 2006

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Commencement . . . . .	5
3	Definitions . . . . .	5
4	Chief executive may give direction or guideline . . . . .	5
<b>Part 2</b>	<b>Management of State instructional institutions</b>	
<b>Division 1</b>	<b>Management generally</b>	
5	Management of State instructional institution . . . . .	6
6	Management of staff members . . . . .	6
7	Work of staff members outside period allocated for instruction . . . . .	7
8	Teachers to perform allocated duties etc. . . . .	7
9	Charge of State instructional institution in temporary absence of principal . . . . .	7
<b>Division 2</b>	<b>Temporary removal of student property</b>	
9A	Definition for div 2 . . . . .	8
9B	Power to remove property from student . . . . .	8
9C	Return of removed property . . . . .	9
9D	Protection from liability . . . . .	11
<b>Part 3</b>	<b>Property management</b>	
10	Permission to use a State educational institution's premises . . . . .	11
11	Agreement of association . . . . .	12
12	Liquor not to be taken onto premises in dry places . . . . .	12
13	Permission for liquor of a particular type to be taken onto particular premises in restricted area . . . . .	13
14	Care of property . . . . .	13

Contents

---

<b>Part 4</b>	<b>Student administration</b>	
15	Age for enrolment in preparatory year . . . . .	14
16	Age for enrolment in years 1 to 7 . . . . .	15
17	Evidence of date of birth to be given . . . . .	15
18	Recording absences. . . . .	16
19	Meaning of unexplained absence. . . . .	16
20	Reporting unexplained absences . . . . .	17
21	Other absences—principal may seek clarification of reasons . . .	18
22	Good behaviour of students . . . . .	18
23	Homework . . . . .	18
24	Transfer note—Act, s 384(1). . . . .	19
<b>Part 5</b>	<b>Religious instruction</b>	
25	Application for approval of representative . . . . .	19
26	Approval to be produced . . . . .	20
27	Authorised religious instruction . . . . .	20
28	Time for religious instruction . . . . .	20
29	Students to attend religious instruction . . . . .	20
30	Bringing and leaving sectarian publications on State school premises . . . . .	20
31	Students withdrawn from religious instruction . . . . .	21
32	Register of ministers and accredited representatives. . . . .	21
33	Selected Bible lessons . . . . .	21
<b>Part 6</b>	<b>Parents and citizens associations</b>	
34	Formation of parents and citizens association . . . . .	21
35	Name of an association . . . . .	22
36	Adoption of constitution . . . . .	22
37	Amendment of constitution. . . . .	23
38	Membership of association. . . . .	23
39	Register of members . . . . .	23
40	Election of officers of an association . . . . .	25
41	Notification of officers of the association . . . . .	25
42	Annual general meeting . . . . .	26
43	Other meetings. . . . .	26
44	Notice of meetings . . . . .	27
45	Audit of association’s accounts. . . . .	27
46	Subcommittees of an association. . . . .	28

47	Dissolution of an association . . . . .	29
48	Activities of an association . . . . .	29
49	Conduct of tuckshop or other amenity by an association . . . . .	29
50	Minister to review decision to close amenity . . . . .	31
<b>Part 7</b>	<b>Dissolution of school councils</b>	
<b>Division 1</b>	<b>Preliminary</b>	
51	Purpose of pt 7 . . . . .	32
<b>Division 2</b>	<b>Dissolution for noncompliance with a public interest direction</b>	
52	Minister to give a school council a show cause notice . . . . .	32
53	Minister must consider representations . . . . .	33
54	Ending the show cause process without further action . . . . .	33
55	Dissolution of school council . . . . .	33
<b>Division 3</b>	<b>When chief executive may dissolve councils</b>	
56	Dissolution by chief executive. . . . .	34
57	Chief executive to consult and invite submissions . . . . .	34
58	Minister to review decision to dissolve school council . . . . .	36
<b>Part 9</b>	<b>Miscellaneous</b>	
61	Financial data—Act, s 370(2). . . . .	36
62	Report about State school student for proceedings etc. . . . .	37
63	Courses for overseas students. . . . .	38
64	Student vacations. . . . .	39
65	Holidays . . . . .	39
66	Policy about the sale of particular items at State instructional institution's premises . . . . .	39
67	Distribution of particular documents at State instructional institution's premises . . . . .	40
68	Report about sexual abuse—Act, ss 365(3) and 366(3) . . . . .	41
68A	Report about likely sexual abuse—Act, ss 365A(4) and 366A(5). . . . .	41
69	Fee for distance education—Act, s 52(2) . . . . .	42
69A	Refund of part of fee for distance education—Act, s 434(2)(a) . . . . .	43
69B	Refused application for distance education fee refund. . . . .	44
70	Charging for specialised educational program—Act, s 55 . . . . .	44
72	Fee—Act, s 28(2)(c) . . . . .	44
<b>Part 10</b>	<b>Transitional provisions</b>	
<b>Division 1</b>	<b>Transitional provisions for SL No. 246 of 2006</b>	
73	Definitions for pt 10. . . . .	45

Contents

---

74	Directions and guidelines of chief executive . . . . .	45
75	Permission to use a State educational institution . . . . .	46
76	Continuation of preschool enrolment . . . . .	46
77	Application for transfer of student . . . . .	46
78	Requests for student records . . . . .	47
79	Consent to attend religious instruction . . . . .	47
80	Meeting to form association called before commencement . . . . .	47
81	Application for membership of an association . . . . .	48
82	Notice of meeting of association given before commencement . . . . .	48
83	Transitional provision for association whose financial year changes . . . . .	48
84	Association dissolved before commencement . . . . .	49
85	Closure of amenity conducted by an association . . . . .	50
86	Show cause notice for dissolution of school council . . . . .	51
87	Dissolution of school council by chief executive . . . . .	51
88	Courses for overseas students . . . . .	52
89	Student vacations for State schools . . . . .	52
<b>Division 2</b>	<b>Transitional provision for Education (General Provisions) Amendment Regulation (No. 1) 2007</b>	
89A	Refund of part of fee for distance education . . . . .	53
<b>Division 3</b>	<b>Transitional provision for Education (General Provisions) Amendment Regulation (No. 1) 2008</b>	
90	Application of s 69(2) . . . . .	53
<b>Schedule 4</b>	<b>Fees for preparation of reports . . . . .</b>	<b>55</b>
<b>Schedule 5</b>	<b>Fees for specialised educational programs . . . . .</b>	<b>56</b>
<b>Schedule 7</b>	<b>Dictionary . . . . .</b>	<b>57</b>
 <b>Endnotes</b>		
1	Index to endnotes . . . . .	58
2	Key . . . . .	58
3	Table of reprints . . . . .	58
4	List of legislation . . . . .	60
5	List of annotations . . . . .	62

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# Education (General Provisions) Regulation 2006

[as amended by all amendments that commenced on or before 28 November 2014]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Education (General Provisions) Regulation 2006*.

### 2 Commencement

- (1) Section 90(2) and schedule 2 commence on 1 January 2007.
- (2) Section 90(3) and schedule 3 commence on 1 January 2008.
- (3) The remaining provisions commence on 30 October 2006.

### 3 Definitions

The dictionary in schedule 7 defines particular words used in this regulation.

### 4 Chief executive may give direction or guideline

- (1) The chief executive may give a direction or guideline to a principal, teacher or other person about a function or power given to the principal, teacher or other person under this regulation.
- (2) The principal, teacher or other person must comply with the direction or guideline.

## **Part 2                                    Management of State instructional institutions**

### **Division 1                                Management generally**

#### **5                                    Management of State instructional institution**

- (1) The principal of a State instructional institution is the person in charge of the institution.
- (2) The principal must manage the institution in a way that—
  - (a) ensures effective, efficient and appropriate management of public resources; and
  - (b) promotes a safe, supportive and productive learning environment; and
  - (c) supports and monitors the academic progress of all students of the institution.
- (3) Without limiting subsection (1), the principal must—
  - (a) promote educational practices at the institution that lead to the improvement of student learning outcomes; and
  - (b) provide for the effective administration of matters about the students of the institution; and
  - (c) promote organisational and staffing structures at the institution that encourage staff members of the institution to become, and continue to be, skilled, confident and responsible; and
  - (d) promote continuous evaluation and improvement of the institution's operations and delivery of services.

#### **6                                    Management of staff members**

The principal of a State instructional institution must—

- (a) allocate and supervise the work of each staff member of the institution; and



- (b) promptly report to the chief executive, in writing, about insubordination or suspected misconduct by a staff member of the institution; and
- (c) encourage teachers of the institution to use appropriate teaching techniques.

## **7 Work of staff members outside period allocated for instruction**

- (1) The principal of a State instructional institution may require a staff member of the institution to work outside the period allocated for instruction on a school day if the principal considers it necessary and reasonable in the circumstances.
- (2) Without limiting subsection (1), the principal may require the staff member—
  - (a) to attend a staff meeting outside the period allocated for instruction on a school day; and
  - (b) if the staff member is a teacher or teacher aide—to supervise the activities of students of the institution.

## **8 Teachers to perform allocated duties etc.**

A teacher at a State instructional institution must—

- (a) perform the duties allocated to the teacher by the institution's principal; and
- (b) take an active interest in extracurricular activities at the institution; and
- (c) engage in professional development activities.

## **9 Charge of State instructional institution in temporary absence of principal**

If a State instructional institution's principal is absent from the institution, one of the following persons must assume the duties and responsibilities of the principal during the

[s 9A]

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principal's absence until otherwise directed by the chief executive—

- (a) a deputy principal of the institution;
- (b) if the principal or the principal's supervisor nominates another staff member of the institution—the other staff member.

## **Division 2                      Temporary removal of student property**

### **9A            Definition for div 2**

In this division—

*staff member*, of a State school, means anyone employed by the chief executive at the school.

### **9B            Power to remove property from student**

- (1) The principal or a staff member of a State school may remove from a student at the school any property in the student's possession if the principal or staff member is reasonably satisfied the removal is necessary—
  - (a) to preserve the caring, safe, supportive and productive learning environment of the school; or
  - (b) to maintain and foster mutual respect among staff and students at the school; or
  - (c) to encourage all students attending the school to take responsibility for their own behaviour and the consequences of their actions; or
  - (d) to provide for the effective administration of matters about the students of the school.
- (2) Without limiting subsection (1), property may be removed from a student to ensure compliance with—
  - (a) the behaviour plan for the school; or

- (b) a direction or guideline given by the chief executive under the Act or this regulation; or
  - (c) a policy approved by the chief executive under the Act or this regulation.
- (3) In this section—
- behaviour plan*, for a State school, means a plan made by the principal under a policy or procedure mentioned in section 276 of the Act.

### **9C Return of removed property**

- (1) The principal or staff member must, within a reasonable time after the property was removed, make the property available for collection by—
- (a) the student from whom the property was removed; or
  - (b) a parent of the student if—
    - (i) the student is a child; and
    - (ii) the principal considers it would be appropriate to make the property available for collection only by the parent—
      - (A) given the condition, nature or value of the property; or
      - (B) to ensure the safety of the student, other students or staff members; or
      - (C) for the good management, administration and control of the school.
- (2) Subsection (1)(b) does not apply if the principal is satisfied it would be inappropriate in the circumstances to make the property available for collection by the parent.

*Example for subsection (2)—*

It may be inappropriate for the property to be made available for collection by a parent of the student if the student is living independently of his or her parents.

[s 9C]

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- (3) The principal or staff member is not required to make the property available for collection under subsection (1) if—
  - (a) a police officer—
    - (i) has been notified about the removal of the property; and
    - (ii) has stated that he or she will come to the school to investigate matters relating to the property but has not yet done so; or
  - (b) the property has been seized by a police officer under the *Police Powers and Responsibilities Act 2000*.
- (4) If a police officer comes to the school to investigate matters relating to the property but decides not to seize the property, the principal or staff member must make the property available for collection by the student or the student's parent as soon as practicable after the police officer makes the decision not to seize the property.
- (5) Also, the principal or staff member is not required to make the property available for collection by the student or the student's parent if—
  - (a) the principal or staff member has made reasonable efforts to notify the student or the student's parent that the property is available but has not been able to contact the student or parent; or
  - (b) the principal or staff member suspects on reasonable grounds that the student is not the owner of the property.
- (6) If the principal or staff member holds the property under subsection (5)(b), the principal or staff member must make reasonable efforts to ascertain the ownership of the property.
- (7) The matters the principal or staff member may have regard to in deciding a reasonable time for making property available for collection under subsection (1) include the following—
  - (a) the condition, nature or value of the property;
  - (b) the circumstances in which the property was removed;

- (c) the safety of the student from whom the property was removed, other students or staff members;
  - (d) the good management, administration and control of the school.
- (8) The principal or staff member must take reasonable care to ensure that property made available for collection is in the same condition as when the property was removed.

### **9D Protection from liability**

- (1) The principal or a staff member of a State school does not incur civil liability for an act done, or omission made, honestly and without negligence under this division.
- (2) If subsection (1) prevents a civil liability attaching to a principal or staff member, the liability attaches instead to the State.

## **Part 3 Property management**

### **10 Permission to use a State educational institution's premises**

- (1) A person may apply in writing to the chief executive for permission to use a State educational institution's premises.
- (2) Also, if the proposed use of the premises is for a social function at which liquor is to be consumed, the application must include a request for permission to take liquor onto the premises.
- (3) The chief executive must, as soon as practicable after receiving the application, give the applicant notice of—
  - (a) the chief executive's decision on the application; and

[s 11]

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- (b) if the application includes a request for permission to take liquor onto the premises—the chief executive’s decision on the request.
- (4) The chief executive may grant the application on reasonable conditions the chief executive considers appropriate.
- (5) This section applies subject to sections 11 to 13.

## **11 Agreement of association**

- (1) This section applies if—
  - (a) an application has been made, under section 10(1), for permission to use a State instructional institution’s premises for a social function; and
  - (b) the application includes a request, under section 10(2), for permission to take liquor onto the premises; and
  - (c) an association has been formed for the institution.
- (2) The chief executive may give permission to take liquor onto the premises only if the association has agreed to—
  - (a) liquor being taken onto the premises for consumption during the social function; and
  - (b) any conditions the chief executive proposes to impose under section 10(4).

## **12 Liquor not to be taken onto premises in dry places**

- (1) The chief executive must not give permission, under section 10(3), to take liquor onto premises if the premises are a dry place or are part of a dry place.

- (2) In this section—

*dry place* see the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 27.

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**13 Permission for liquor of a particular type to be taken onto particular premises in restricted area**

- (1) The chief executive may give permission, under section 10(3), for a person to take liquor of a particular type onto particular premises in a restricted area only if—
  - (a) the person holds a restricted area permit authorising the person to possess in the restricted area, for the purpose of the relevant social function, more than the prescribed quantity of that type of liquor for the area; or
  - (b) otherwise—the permission is subject to the condition that the quantity of that type of liquor the person may take onto the premises is not more than the prescribed quantity of that type of liquor for the restricted area.
- (2) If a permission is given under section 10(3) and subsection (1)(a) applies, the permission applies—
  - (a) only for the times, and on the day or days, stated in the restricted area permit; and
  - (b) only during the period stated in the restricted area permit; and
  - (c) subject to the *Liquor Act 1992* and any conditions on which the restricted area permit is held by the person.
- (3) In this section—

***prescribed quantity of a type of liquor***, for a restricted area, means the quantity of that type of liquor stated in a regulation made under the *Liquor Act 1992*, section 173H that a person may have in possession in the area without a restricted area permit.

***restricted area*** means an area declared under the *Liquor Act 1992*, section 173G(1) to be a restricted area.

***restricted area permit*** means a restricted area permit granted under the *Liquor Act 1992*.

**14 Care of property**

- (1) This section applies to the following persons—

[s 15]

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- (a) the principal, or a deputy principal or staff member, of a State instructional institution;
  - (b) any person who is in control of, or responsible for managing, a State educational institution's property.
- (2) A person to whom this section applies must take reasonable steps to care for the institution's property.
- (3) In this section—  
*property* means property that is, or forms part of, the premises or equipment of the institution.

## Part 4 Student administration

### 15 Age for enrolment in preparatory year

- (1) The principal of a State school, or non-State school, may enrol a child in the preparatory year at the school only if the child will be at least 5 years and 6 months on 31 December in the proposed year of attendance at the school.

*Example—*

A child who turns 5 on or before 30 June in a year will be at least 5 years and 6 months on 31 December in that year.

- (2) However, the principal may enrol a child in the preparatory year at the school if—
- (a) the child will be at least 5 years and 5 months on 31 December in the proposed year of attendance at the school; and

*Example—*

A child who turns 5 on or before 31 July in a year will be at least 5 years and 5 months on 31 December in that year.

- (b) the principal is satisfied the child is ready for education in the year of schooling, considering the child's attributes.



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- (3) Also, the principal may enrol a child in the preparatory year at the school, regardless of the child's age, if the principal is satisfied the child—
    - (a) had started education in another State or country that is equivalent to the preparatory year; and
    - (b) is ready for education in the preparatory year, considering the child's attributes.
  - (4) This section applies subject to chapter 8 of the Act.

## **16 Age for enrolment in years 1 to 7**

- (1) A State school's, or non-State school's, principal may only enrol a child in a year of schooling from years 1 to 7 at the school if the child will be at least 6 years and 6 months on 31 December in the proposed year of attendance at the school.

*Example—*

A child who turns 6 on or before 30 June in a year will be at least 6 years and 6 months on 31 December in that year.

- (2) Despite subsection (1), a State school's principal may enrol a child in a year of schooling from years 1 to 7 at the school, regardless of the child's age, if the principal is satisfied the child is ready to be enrolled in the year of schooling, having regard to the child's attributes.
- (3) Also, despite subsection (1), a non-State school's principal may enrol a child in a year of schooling from years 1 to 7 at the school, regardless of the child's age, if the principal is satisfied the child is ready to be enrolled in the year of schooling, having regard to the child's attributes.
- (4) Subsections (1) and (2) apply subject to chapter 8 of the Act.

## **17 Evidence of date of birth to be given**

- (1) If asked by a State school's principal, documentary evidence of the date of birth of a student of the school must be given to the principal by—
  - (a) if the student is a child—a parent of the child; or

[s 18]

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- (b) if the student is an adult—the student.
- (2) Despite subsection (1)(a), if the student is a child, the principal may ask the student for the evidence if the principal is satisfied it would be inappropriate in the circumstances for a parent of the student to give the evidence.

*Example—*

It may be inappropriate for a parent of the student to give the evidence if the student is living independently of his or her parents.

- (3) If subsection (2) applies, the student must give the evidence to the principal.

## 18 Recording absences

If a student of a State school is absent from school, the school's principal must record the absence in a way decided by the chief executive.

## 19 Meaning of *unexplained absence*

- (1) If a student of a State school is absent from school, the absence is an *unexplained absence* if the principal, or a staff member, of the school has not been informed that the student will be absent and the reason for the absence, or the reason the student is or was absent, by—
- (a) if the student is a child—a parent of the student; or
- (b) if the student is an adult—the student.
- (2) Despite subsection (1)(a), if the student is a child, the student may inform the principal or a staff member about the absence if the principal is satisfied it would be inappropriate in the circumstances for a parent of the student to inform the principal or staff member about the absence.

*Example—*

It may be inappropriate for a parent of the student to inform the principal or a staff member about the absence if the student is living independently of his or her parents.

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## 20 Reporting unexplained absences

- (1) This section applies if—
  - (a) a student of a State school is absent from school; and
  - (b) the absence is an unexplained absence.
- (2) If the student is a child, the principal must inform a parent of the student about the absence and ask the parent the reason for the absence.
- (3) Subsection (2) does not apply if the principal is satisfied it would be inappropriate in the circumstances to inform a parent of the student about the absence.

*Example—*

It may be inappropriate to inform a parent of the student about the absence if the student is living independently of his or her parents.

- (4) The principal must ask the student the reason for an unexplained absence if—
  - (a) the student is a child and subsection (2) does not apply; or
  - (b) the student is an adult.
- (5) The principal may report an absence to a relevant authority if—
  - (a) either—
    - (i) the absence is an unexplained absence; or
    - (ii) the absence was an unexplained absence and the principal asked the reason for the absence under subsection (2) or (4); and
  - (b) the principal considers it is appropriate to do so.
- (6) In this section—

***relevant authority*** means an entity of the State to whom it is appropriate to report an unexplained absence, including a police officer and the department in which the *Child Protection Act 1999* is administered.

[s 21]

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## **21 Other absences—principal may seek clarification of reasons**

- (1) This section applies if—
  - (a) a student of a State school is absent from school; and
  - (b) the absence is not an unexplained absence; and
  - (c) the principal of the school is not reasonably satisfied about the reason for the absence.
- (2) If the student is a child, the principal may ask a parent of the student the reason for the absence.
- (3) Subsection (2) does not apply if the principal is satisfied it would be inappropriate in the circumstances to ask a parent of the student the reason for the absence.

### *Example—*

It may be inappropriate to ask a parent of the student the reason for the student's absence if the student is living independently of his or her parents.

- (4) The principal may ask the student the reason for the absence if—
  - (a) the student is a child and subsection (2) does not apply;  
or
  - (b) the student is an adult.

## **22 Good behaviour of students**

- (1) A State school's principal must take reasonable steps to ensure the standard of behaviour of students of the school is clearly defined and monitored while the students are under the principal's care and control.
- (2) Without limiting subsection (1), the principal must ensure students of the school are effectively supervised.

## **23 Homework**

- (1) A teacher at a State school may require a student of the school to complete homework.

- (2) The school's principal may decide what is a reasonable amount of homework to be completed by a student of the school for each year of schooling offered at the school.
- (3) In deciding what is a reasonable amount of homework under subsection (2), the principal must have regard to any homework policy developed by the principal under section 427(2)(f) of the Act.

**24 Transfer note—Act, s 384(1)**

For section 384(1) of the Act, the following types of information are prescribed—

- (a) student-identifying information;
- (b) custody or guardianship orders;
- (c) medical details;
- (d) school details;
- (e) level of schooling;
- (f) allocation of State education;
- (g) school attendance;
- (h) educational performance;
- (i) educational support;
- (j) behavioural issues.

## **Part 5 Religious instruction**

**25 Application for approval of representative**

An application under section 76(1) of the Act for approval as an accredited representative must be in writing.

[s 26]

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**26 Approval to be produced**

If asked by the principal of a State school, an accredited representative at the State school must produce an approval given to the representative under section 76(1) of the Act.

**27 Authorised religious instruction**

A minister of religion or an accredited representative may give only religious instruction approved by the religious denomination or religious society the minister or accredited representative represents.

**28 Time for religious instruction**

The principal of a State school must fix the day on which religious instruction is given each week.

**29 Students to attend religious instruction**

- (1) The principal of a State school must not allow a student to attend religious instruction given by a minister of religion or an accredited representative other than the denomination or society of which the student is a member, unless the student's parent has given written consent.
- (2) However, students may attend classes arranged for students of more than 1 denomination or society by agreement of the ministers of the denominations or societies concerned.

**30 Bringing and leaving sectarian publications on State school premises**

- (1) A person other than a minister of religion or accredited representative must not bring onto, or use on, State school premises any denominational or society publication.
- (2) A minister of religion or accredited representative must not leave on State school premises any denominational or society publication used by the minister of religion or accredited representative for religious instruction.

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**31 Students withdrawn from religious instruction**

The principal of a State school must arrange for a student who has been withdrawn from all religious instruction by the student's parent to receive other instruction in a separate location during the period arranged for religious instruction.

**32 Register of ministers and accredited representatives**

The principal of a State school must keep a register of the ministers of religion or accredited representatives who attend the school and the dates and times of the ministers' or representatives' attendance.

**33 Selected Bible lessons**

The principal of a State primary or State special school may arrange a period of one-half hour a week for religious instruction in selected Bible lessons.

## **Part 6 Parents and citizens associations**

**34 Formation of parents and citizens association**

- (1) A State instructional institution's principal may call a meeting of eligible persons to consider the formation of a parents and citizens association for the institution.
- (2) If the eligible persons present at the meeting decide an association should be formed for the institution, it must be formed by the election from among the eligible persons of the following officers—
  - (a) a president;
  - (b) at least 1 vice-president;
  - (c) a secretary;

[s 35]

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- (d) a treasurer;
  - (e) any additional officers, as decided by the eligible persons present at the meeting.
- (3) However, subsections (1) and (2) do not apply if an interim association has been formed for the institution.
- (4) If an interim association is to be formed for the institution, it must be formed in the same way as an association, except that the meeting to consider the formation of the interim association may be called by the chief executive.
- (5) An interim association is subject to this part unless a contrary intention appears.
- (6) In this section—
- eligible persons* means persons who are under section 118 of the Act eligible to be members of a parents and citizens association formed for the institution.

### **35 Name of an association**

An association must be known by the name the (name of State instructional institution) Parents and Citizens Association or the (name of proposed State instructional institution) Interim Parents and Citizens Association.

### **36 Adoption of constitution**

- (1) The members of an association must adopt a constitution for the association as soon as practicable after the association is formed.
- (2) The association's constitution must include provisions about the following—
- (a) the conduct of annual general meetings, general meetings, and special meetings, of the association;
  - (b) the functions of the association's officers;
  - (c) the procedures about the association's accounts.



- (3) The chief executive may prepare a model constitution for associations.
- (4) In adopting a constitution for an association, the members of the association must have regard to the model constitution for associations prepared under subsection (3).

### **37 Amendment of constitution**

- (1) An association may resolve to amend its constitution by a resolution passed by a majority of its members present at an annual general meeting, or special meeting, of the association.
- (2) In preparing a proposed amendment of its constitution, an association must have regard to the model constitution for associations prepared under section 36(3).

### **38 Membership of association**

- (1) A person who applies for membership of an association is taken to be a member if membership is not refused by the association within 2 months after the person applies for membership.
- (2) A person is refused membership of an association if the association gives the person notice of the refusal and the reasons for the refusal within 2 months after the person applies for membership.
- (3) However, membership is not refused if the person receives notice of the association's refusal of the application, but does not receive notice of the reasons for the refusal, within 2 months after the application is made.

### **39 Register of members**

- (1) The register of members of an association must contain the following information—
  - (a) the name and address of each member of the association;

[s 39]

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- (b) the date each member of the association became a member;
  - (c) for a person who ceases to be a member of the association—the date the person ceases to be a member;
  - (d) any other particulars mentioned in the association's constitution.
- (2) Also, if an association has been formed for a State school, the register of members of the association must contain 1 of the following for each member of the association who is not a parent of a student attending the school—
- (a) details of the member's date of birth;
  - (b) a record that the member has stated the member is 18 years or more;
  - (c) a record by the secretary or another person responsible for making entries in the register of members that the member appears to be 18 years or more.
- (3) Also, if an association has been formed for an educational institution established under section 14 of the Act, the register of members of the association must contain one of the following for each member of the association who is not a staff member of the institution—
- (a) details of the member's date of birth;
  - (b) a record that the member has stated the member is 18 years or more;
  - (c) a record by the secretary or another person responsible for making entries in the register of members that the member appears to be 18 years or more.
- (4) In addition, the register of members of an association, other than an interim association, must contain the following information about an honorary life member of the association—
- (a) the date the person was awarded honorary life membership of the association;
  - (b) the basis for the award.

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#### **40 Election of officers of an association**

- (1) At each annual general meeting of an association, members of the association at the meeting must elect officers of the association.
- (2) An officer may only be elected as follows—
  - (a) any 2 members (the *nominating members*) may nominate another member (the *candidate*) to be an officer;
  - (b) the nomination may be made—
    - (i) at the annual general meeting; or
    - (ii) if the candidate can not be at the annual general meeting, by giving the secretary, before the meeting, a nomination in writing signed by the nominating members and the candidate;
  - (c) if there is only 1 nomination for an office—the candidate will be elected to the office if the candidate receives the votes of a majority of the members at the meeting;
  - (d) if there is more than one nomination for an office—the candidate who receives the most votes will be elected to the office.
- (3) A retiring officer of the association is eligible for re-election.
- (4) An election to fill a casual vacancy in the office of an officer of an association may be held at a general meeting of the association.

#### **41 Notification of officers of the association**

- (1) An association's secretary must give the chief executive notice of the names and addresses of the officers of the association elected—
  - (a) on the formation of the association; and
  - (b) at each annual general meeting of the association.

[s 42]

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- (2) A notice under subsection (1) must be given as soon as practicable after the day of the election.

## **42 Annual general meeting**

- (1) The annual general meeting of an association for a year must be held within 3 months after the end of the preceding financial year of the association.
- (2) A quorum for an annual general meeting of an association is—
  - (a) if the association's constitution states that less than 10 association members is a quorum for an annual general meeting of the association—the stated number; or
  - (b) otherwise—10 association members.
- (3) An association must follow the order of business stated in the association's constitution for the conduct of an annual general meeting of the association.

## **43 Other meetings**

- (1) General meetings of an association must be held at least 3 times a semester at the times the association decides.
- (2) Subsection (1) does not apply to an association during the year in which it is formed.
- (3) A quorum for a general meeting, or special meeting, of an association is—
  - (a) if the association's constitution states that less than 7 association members is a quorum for a general meeting or special meeting, of the association—the stated number; or
  - (b) otherwise—7 association members.

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#### 44 Notice of meetings

- (1) Notice of an annual general meeting, or special meeting, of an association must be given personally or by post to each member of the association—
  - (a) for an annual general meeting—at least 14 days before the day for the meeting; and
  - (b) for a special meeting—at least 7 days before the day for the meeting.
- (2) A resolution passed at an association meeting is not invalid merely because a member of the association did not receive notice of the meeting.

#### 45 Audit of association's accounts

- (1) An association's accounts must be audited annually by a person under the *Financial Administration and Audit Regulation 1995*, section 3.
- (2) The person must examine records of collections and payments, cashbooks, minutes of meetings and other records of the association the person considers appropriate.
- (3) Also, the person must verify with financial institutions with which the association has accounts (the *financial accounts*) the financial balance held or owing, so as to be able to certify whether or not in the person's opinion—
  - (a) the association's financial statements are—
    - (i) in agreement with the financial accounts; and
    - (ii) in a form that complies with the chief executive's requirements for the keeping of accounts by an association; and

*Editor's note—*

The requirements may be accessed on the department's website at <[www.education.qld.gov.au](http://www.education.qld.gov.au)>.

- (b) the requirements mentioned in paragraph (a) have been substantially complied with; and

[s 46]

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- (c) the financial statements have been prepared to present a true and fair view of the association's transactions for the relevant financial year, and the association's financial position at the close of that year, on a basis consistent with the basis for preparing the association's financial statements for the preceding financial year.

#### **46 Subcommittees of an association**

- (1) An association may establish the subcommittees it considers appropriate for purposes consistent with the objectives and functions of an association.
- (2) Without limiting subsection (1), the association may establish subcommittees for special purposes, including, for example, a swimming club or tuckshop.
- (3) If an association establishes a subcommittee, the association must appoint particular members of the association to be the chairperson, secretary and, if funds are to be raised or spent by the subcommittee, treasurer of the subcommittee.
- (4) However, the chairperson or secretary of a subcommittee established by an association may not be the subcommittee's treasurer.
- (5) An association may impose on a subcommittee established by the association the conditions the association considers appropriate.
- (6) A subcommittee established by an association—
  - (a) may only act within the scope of the authority given to the subcommittee by the association; and
  - (b) must follow any direction given by the association to the subcommittee.
- (7) Any funds raised by a subcommittee established by an association are the association's funds and under the association's control.

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#### **47 Dissolution of an association**

- (1) For section 122(c) of the Act, an association must be dissolved if the question of dissolution is put and resolved in the affirmative on a three-fourths majority vote of its members present and entitled to vote at a special meeting called to consider the question.
- (2) On the dissolution of an association formed for a State instructional institution, the following must be dealt with by the principal's supervisor for the institution's principal, as directed by the Minister—
  - (a) any property in the name of the association;
  - (b) the association's funds, after payment of any expenses lawfully incurred by the association.

#### **48 Activities of an association**

If the object of an activity of an association formed for a State instructional institution is, or includes, 1 or more of the following matters, the consent of the chief executive of a department that deals with the matter must be obtained before the activity is carried out—

- (a) the construction of improvements to the institution's premises;
- (b) the addition of a fixture to the institution's premises;
- (c) the purchase of furniture for the institution.

#### **49 Conduct of tuckshop or other amenity by an association**

- (1) An association formed for a State instructional institution may conduct at the institution's premises a tuckshop or other amenity (an *amenity*) if the association reasonably believes the amenity is likely—
  - (a) to help staff members of the institution in their professional duties; or
  - (b) to help students of the institution in their studies.

[s 49]

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- (2) The chief executive may, by notice to an association formed for a State instructional institution, order—
  - (a) the closure of an amenity conducted by the association if the chief executive reasonably believes the amenity—
    - (i) is not helping, or is hindering, staff members of the institution in their professional duties; or
    - (ii) is not helping, or is hindering, students of the institution in their studies; or
  - (b) the immediate closure of an amenity conducted by the association if the chief executive reasonably believes—
    - (i) a matter mentioned in paragraph (a)(i) or (ii); and
    - (ii) it is necessary, in the interests of the health or safety of staff members or students of the institution, to immediately close the amenity.
- (3) A notice ordering a closure of an amenity under subsection (2)(a) must state—
  - (a) the day, not less than 28 days after the association receives the notice, when the amenity must be closed; and
  - (b) the reasons the chief executive believes a matter mentioned in subsection (2)(a)(i) or (ii); and
  - (c) that the association may under section 50, within 28 days after receiving the notice, ask the Minister to review the chief executive's decision to order the closure of the amenity.
- (4) A notice ordering an immediate closure of an amenity under subsection (2)(b) must state—
  - (a) that the amenity must be immediately closed; and
  - (b) the reasons the chief executive believes a matter mentioned in subsection (2)(a)(i) or (ii); and
  - (c) the reasons the chief executive believes it is necessary, in the interests of the health or safety of the staff



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members or students of the institution, to immediately close the amenity; and

- (d) that the association may under section 50, within 28 days after receiving the notice, ask the Minister to review the chief executive's decision to order the closure of the amenity.
- (5) An association must comply with an order to close an amenity.
- (6) Despite subsection (5), if an association receives a notice ordering the closure of an amenity under subsection (2)(a) and asks the Minister under section 50 to review the chief executive's decision to order the closure of the amenity, the association may continue to conduct the amenity until it receives notice of the Minister's decision on the review.

## **50 Minister to review decision to close amenity**

- (1) This section applies if the chief executive gives an association a notice, under section 49(2), ordering the closure of an amenity conducted by the association.
- (2) The association may, within 28 days after receiving the notice, ask the Minister to review the chief executive's decision to order the closure of the amenity by giving the Minister a notice stating the grounds for the review.
- (3) If the association asks under subsection (2) for a review of the chief executive's decision, the Minister must as soon as practicable—
  - (a) review the decision and consider the grounds for the review; and
  - (b) decide to affirm or set aside the decision; and
  - (c) give a notice to the association stating—
    - (i) the Minister's decision and the reasons for it; and
    - (ii) if the Minister affirms the chief executive's decision to order the closure of the amenity under section 49(2)(a) and the amenity has not been

[s 51]

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closed—a reasonable time (the *stated time*) in which the amenity must be closed.

- (4) If the Minister affirms the chief executive's decision to order the closure of the amenity under section 49(2)(a) and the amenity has not been closed, the association must close the amenity within the stated time.

## **Part 7                      Dissolution of school councils**

### **Division 1                Preliminary**

#### **51            Purpose of pt 7**

This part prescribes circumstances in which a school council is dissolved under section 112(1)(b) of the Act.

### **Division 2                Dissolution for noncompliance with a public interest direction**

#### **52            Minister to give a school council a show cause notice**

- (1) This section applies if the Minister has given a school council a direction under section 116 of the Act (a *public interest direction*) and believes the council has not complied with the direction.
- (2) The Minister must give the council a notice (a *show cause notice*) stating the following—
- (a) the reasons for the Minister's belief that the council has not complied with the public interest direction;
  - (b) if the council does not comply with the public interest direction within a stated period (the *show cause period*), the council is liable to be dissolved;

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- (c) the council may make written representations to the Minister within the show cause period to show—
    - (i) that the council has complied with the public interest direction; or
    - (ii) why the council should not be dissolved for not complying with the direction.
  - (3) The show cause period must end not less than 28 days after the show cause notice is given to the council.

### **53 Minister must consider representations**

The Minister must consider any representations made under section 52(2)(c) as soon as practicable after receiving the representations.

### **54 Ending the show cause process without further action**

- (1) This section applies if, after considering any representations made under section 52(2)(c), the Minister is satisfied—
  - (a) the council has complied with the public interest direction; or
  - (b) the council should not be dissolved for not complying with the direction.
- (2) The Minister must immediately give the council a notice stating that no further action is to be taken under the show cause notice.

### **55 Dissolution of school council**

- (1) Subsection (2) applies if, after the end of the show cause period—
  - (a) there are no representations made under section 52(2)(c); or
  - (b) after considering any representations made under section 52(2)(c), the Minister is satisfied the council

[s 56]

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should be dissolved for not complying with the public interest direction.

- (2) The Minister must give the council a notice stating that the council is dissolved.
- (3) The council is dissolved from—
  - (a) the day the council receives the notice; or
  - (b) if a later day is stated in the notice—the later day.

### **Division 3                      When chief executive may dissolve councils**

#### **56            Dissolution by chief executive**

- (1) Subject to section 57, a school council is dissolved if—
  - (a) the chief executive reasonably considers—
    - (i) the council is not satisfactorily fulfilling its functions; or
    - (ii) the school community generally supports the dissolution of the council; and
  - (b) the chief executive publishes a notice in the gazette stating that the council is dissolved.
- (2) The council is dissolved from—
  - (a) the day the notice is published in the gazette; or
  - (b) if a later day is stated in the notice—the later day.

#### **57            Chief executive to consult and invite submissions**

- (1) Before the chief executive may dissolve a school council for a State school under section 56, the chief executive must comply with this section.
- (2) The chief executive must consult with each of the following about the proposed dissolution—

- (a) the council;
  - (b) the school's principal;
  - (c) the school's staff members;
  - (d) if there is an association for the school—the association;
  - (e) if the school has secondary education students—the secondary education students;
  - (f) any other entities the chief executive considers have an interest in the council or its dissolution.
- (3) The chief executive must publish in the school's newsletter a notice—
- (a) stating that the chief executive is considering dissolving the council; and
  - (b) stating the reasons for the proposed dissolution; and
  - (c) inviting members of the school community to make written representations to the chief executive about the proposed dissolution within a stated time of at least 28 days after the day the notice is published in the school's newsletter.
- (4) A member of the school community may make written representations to the chief executive about the proposed dissolution within the stated time.
- (5) Before making a decision about dissolving a school council, the chief executive must have regard to the chief executive's consultations under subsection (2), and written representations made to the chief executive under subsection (4), about the proposed dissolution.
- (6) For subsection (2), the chief executive may consult in any way the chief executive considers appropriate, including, for example, by holding a formal meeting.

[s 58]

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## **58 Minister to review decision to dissolve school council**

- (1) This section applies to a person (an *aggrieved person*) who made written representations, under section 57(4), against a proposal to dissolve a school council.
- (2) If the council is dissolved under section 56, the aggrieved person may ask the Minister to review the chief executive's decision that led to the dissolution.
- (3) The aggrieved person must give the Minister a notice stating the grounds for the review within 28 days after notice of the council's dissolution is published in the gazette.
- (4) The Minister must as soon as practicable after receiving the notice—
  - (a) review the chief executive's decision and consider the grounds for the review; and
  - (b) decide to affirm or set aside the chief executive's decision; and
  - (c) give notice to the aggrieved person about the Minister's decision and the reasons for it.
- (5) If the Minister decides to set aside the chief executive's decision—
  - (a) the Minister must, as soon as practicable after making the decision, publish a notice in the gazette stating that the decision to dissolve the council has been set aside; and
  - (b) the council is taken not to have been dissolved.

## **Part 9 Miscellaneous**

### **61 Financial data—Act, s 370(2)**

For section 370(2) of the Act, the day is 30 June of each year.

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**62 Report about State school student for proceedings etc.**

- (1) Without limiting section 425 of the Act, the chief executive may give to a person a report about a State school student only—
  - (a) if authorised by a court or tribunal for particular proceedings; or
  - (b) with the consent of the student, or if the student is a child unable to consent, with the consent of a parent of the child; or
  - (c) if required or permitted by an Act or another law.
- (2) Despite subsection (1)(b), the chief executive may give to a person a report about a State school student without the consent of a person mentioned in subsection (1)(b) if the chief executive is reasonably satisfied—
  - (a) either—
    - (i) the person requesting the report has a sufficient interest in the subject matter of the proposed report; or
    - (ii) if the person requesting the report is a professional person acting for a client of the professional person—the client has a sufficient interest in the subject matter of the proposed report; and
  - (b) either—
    - (i) the proposed report is not detrimental to the student; or
    - (ii) despite the proposed report being detrimental to the student, on balance, the public interest is better served by the report being given.
- (3) Subsection (1) does not apply to the giving of a report about a State school student in the course of the administration of the school.
- (4) On giving a person a report under subsection (1)(b) or (c), the person must pay the applicable fee mentioned in schedule 4 for the preparation of the report.

[s 63]

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- (5) However, the chief executive may waive, entirely or partly, payment of the fee if the chief executive is satisfied payment of the fee would cause financial hardship to the person.

### **63 Courses for overseas students**

- (1) An overseas student or intending overseas student may apply to the chief executive for approval to enrol in an approved course offered at a State school.
- (2) The application must—
- (a) be made in the approved form; and
  - (b) be accompanied by the fee for the course that—
    - (i) the chief executive considers reasonable; and
    - (ii) is not more than the reasonable cost of the course.
- (3) The chief executive may grant the application if the chief executive is reasonably satisfied the person—
- (a) is fully financially supported; and
  - (b) is academically qualified to be enrolled in the course; and
  - (c) has an adequate standard of English; and
  - (d) is of good health; and
  - (e) has adequate arrangements for accommodation, welfare and supervision.
- (4) In this section—
- approved course*** means—
- (a) a course registered under the *Education (Overseas Students) Act 1996*; or
  - (b) a course of primary or secondary education approved by the Minister for this section.
- intending overseas student*** means a person who intends to become an overseas student.



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

#### **64 Student vacations**

- (1) The Minister must approve the days for student vacations for State schools.
- (2) The days approved by the Minister must be published in the gazette.

#### **65 Holidays**

- (1) A student of a State school is not required to attend the school on the following days—
  - (a) a public holiday;
  - (b) an appointed student holiday for the school.
- (2) In this section—

*appointed student holiday*, for a State school, means—

- (a) a day designated by the Minister as being a holiday for students of the school; or
- (b) a day designated by the Minister as being a holiday for students of all State schools; or
- (c) a day designated by the Minister as being a holiday for students of all State schools whose premises are located within a particular region of Queensland within which the school's premises are located.

#### **66 Policy about the sale of particular items at State instructional institution's premises**

- (1) The chief executive may approve a policy about the sale of particular items, including, for example, food and drink, at State instructional institutions' premises.
- (2) A State instructional institution's principal must comply with a policy approved under subsection (1).

[s 67]

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- (3) The chief executive must keep a copy of a policy approved under subsection (1) available for inspection and permit a person—
  - (a) to inspect the policy without fee; and
  - (b) to take extracts from the policy without fee.
- (4) For subsection (3)—
  - (a) a copy of the policy—
    - (i) must be kept at the head office of the department; and
    - (ii) may be kept at any other place the chief executive considers appropriate; and
  - (b) the copy kept under paragraph (a) must be available for inspection during office hours on business days for the office or place.
- (5) Also, the chief executive must keep a copy of a policy approved under subsection (1) available for supply to a person and permit a person to obtain a copy of the policy, or a part of the policy, without fee.
- (6) In addition, the chief executive must keep a copy of a policy approved under subsection (1) posted on the department's website on the internet.

*Editor's note—*

The department's website address is <[www.education.qld.gov.au](http://www.education.qld.gov.au)>.

- (7) In this section—

*sale* includes offering for sale.

## **67 Distribution of particular documents at State instructional institution's premises**

- (1) A person must not distribute a non-education document at a State instructional institution's premises without the permission of the institution's principal.

Maximum penalty—10 penalty units.

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- (2) Subsection (1) does not apply to a minister of religion or accredited representative who distributes a non-education document at a State school's premises under section 30(1).
- (3) In this section—

*non-education document* means a document other than a document used in delivering an educational program to students of the institution.

### **68 Report about sexual abuse—Act, ss 365(3) and 366(3)**

A report under section 365(3) or 366(3) of the Act must include the following particulars—

- (a) the name of the person giving the report (the *first person*);
- (b) the student's name and sex;
- (c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- (d) details of the abuse or suspected abuse;
- (e) any of the following information of which the first person is aware—
  - (i) the student's age;
  - (ii) the identity of the person who has abused, or is suspected to have abused, the student;
  - (iii) the identity of anyone else who may have information about the abuse or suspected abuse.

### **68A Report about likely sexual abuse—Act, ss 365A(4) and 366A(5)**

A report under section 365A(4) or 366A(5) of the Act must include the following particulars—

- (a) the name of the person giving the report (the *first person*);

[s 69]

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- (b) the student's name and sex;
- (c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
- (d) any of the following information of which the first person is aware—
  - (i) the student's age;
  - (ii) the identity of the person who is suspected to be likely to abuse the student;
  - (iii) the identity of anyone else who may have information about the suspected likelihood of abuse.

**69 Fee for distance education—Act, s 52(2)**

- (1) For section 52(2) of the Act, the fee for the provision of distance education to a person enrolled in a program of distance education at a State school is \$1261.90.
- (2) For section 52(2) of the Act, the fee for the provision of distance education to a person, other than a State school student, who is enrolled to undertake a component of a program of distance education at a State school but is not enrolled in the program at the school is—
  - (a) for a subject, other than a LOTE subject, in years 8 to 12—
    - (i) if the person is enrolled for a school year—\$1170.35; or
    - (ii) if the person is enrolled only in semester 2—\$585.45; or
  - (b) for a LOTE subject in years 1 to 12—
    - (i) if the person is enrolled for a school year—\$1170.35; or
    - (ii) if the person is enrolled only in semester 2—\$585.45.

- (3) In this section—

*LOTE subject* means a subject that is the study of a language other than English.

**69A Refund of part of fee for distance education—Act, s 434(2)(a)**

- (1) This section applies if, because of a change in the personal circumstances of a person for whom a fee mentioned in the Act, section 52(2) was paid for a school year, the person is—
- (a) no longer enrolled in a program of distance education at a State school; or
  - (b) no longer enrolled to undertake a component of a program of distance education at a State school.
- (2) The person or, if another person paid the fee, the other person may apply to the chief executive for a refund of part of the fee.
- (3) The application must—
- (a) be made in writing before the end of semester 1 of the school year to which the fee relates; and
  - (b) give details of the change in the person's personal circumstances.

*Example of change in personal circumstances—*

a change in the person's residence because of a transfer in the employment of a parent of the person

- (4) The chief executive may refund part of the fee if the chief executive is satisfied it is appropriate and reasonable to do so because of the change in the person's personal circumstances.
- (5) If the chief executive decides to refund part of the fee, the chief executive must calculate the refund payable in accordance with the departmental policy for calculating the refund published on the department's website.

*Editor's note—*

The department's website address is <[www.education.qld.gov.au](http://www.education.qld.gov.au)>.

[s 69B]

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- (6) For calculating the refund, the person's enrolment in, or enrolment to undertake a component of, the program of distance education is taken to have ceased on the day the application was made.

### **69B Refused application for distance education fee refund**

- (1) If the chief executive decides not to grant an application under section 69A, the chief executive must give the applicant notice of the reasons for the decision.
- (2) The applicant may, within 14 days after the notice is given, apply to the chief executive for a reconsideration of the decision.
- (3) Unless the chief executive made the decision personally, the chief executive must ensure the decision is not reconsidered by—
  - (a) the person who made the decision; or
  - (b) a person in a less senior office in the department than the person who made the decision.

### **70 Charging for specialised educational program—Act, s 55**

- (1) For section 55(1) of the Act, the specialised educational programs mentioned in schedule 5, column 1 are prescribed.
- (2) For section 55(2) of the Act, the fee prescribed for a specialised educational program is the fee mentioned in schedule 5, column 2 for the program.

### **72 Fee—Act, s 28(2)(c)**

- (1) For section 28(2)(c) of the Act, the fee is \$26.
- (2) However, the chief executive may waive, entirely or partly, payment of the fee if the chief executive is satisfied payment of the fee would cause financial hardship to the person liable to pay it.

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## Part 10 Transitional provisions

### Division 1 Transitional provisions for SL No. 246 of 2006

#### 73 Definitions for pt 10

*commencement* means the commencement of the provision in which the term appears.

*existing association* see section 485(1) of the Act.

*new association* see section 485(2) of the Act.

*repealed Act* means the *Education (General Provisions) Act 1989* as in force from time to time before its repeal.

*repealed regulation* means the *Education (General Provisions) Regulation 2000* as in force from time to time before its repeal.

#### 74 Directions and guidelines of chief executive

- (1) This section applies to a direction or guideline given under the repealed regulation, section 4(1), and in force immediately before the commencement.
- (2) To the extent the direction or guideline relates to a function or power given to the relevant principal, teacher or other person under the Act, the direction or guideline is taken to be a direction or guideline given under section 4(1).
- (3) In this section—

*relevant principal, teacher or other person* means the principal, teacher or other person to whom the direction or guideline was given under the repealed regulation, section 4(1).

[s 75]

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## **75 Permission to use a State educational institution**

- (1) Subsection (2) applies if an application is made under the repealed regulation, section 10, but is not decided or withdrawn before the commencement.
- (2) The Minister or authorised officer to whom the application was made must continue to decide the application under the repealed regulation, sections 10 to 13.
- (3) For subsection (2)—
  - (a) the repealed regulation, sections 10 to 13 continue to apply despite their repeal; and
  - (b) a person who was an authorised officer under the repealed regulation immediately before the commencement is taken to continue to be an authorised officer.
- (4) Permission, including any conditions, granted under the repealed regulation, section 10, that applies on or after the commencement, is taken to be permission given by the chief executive under section 10.

## **76 Continuation of preschool enrolment**

A child enrolled at a State preschool centre for the purpose of the repealed regulation immediately before the commencement is taken to be enrolled at the centre for the purpose of this regulation.

## **77 Application for transfer of student**

- (1) This section applies if, immediately before the commencement—
  - (a) an application has been made under the repealed regulation, section 24(1); and
  - (b) a transfer has not been issued under that section.
- (2) The principal who received the application must comply with repealed regulation, section 24(2) despite its repeal.



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## **78 Requests for student records**

- (1) Subsection (2) applies if a principal of a State school, other than a special school—
  - (a) received, before the commencement, a request mentioned in the repealed regulation, section 26(1); and
  - (b) did not comply with the request before the commencement.
- (2) The repealed regulation, section 26, continues to apply in relation to the request despite its repeal.
- (3) Subsection (4) applies if a principal of a non-State school—
  - (a) received, before the commencement, a copy of records for a student who is not, or is not likely to be, enrolled at the non-State school; and
  - (b) did not comply with the repealed regulation, section 26(4), before the commencement.
- (4) The repealed regulation, section 26(4), continues to apply to the principal despite its repeal.

## **79 Consent to attend religious instruction**

A consent given under the repealed regulation, section 31(1), and in force immediately before the commencement, is taken to be a consent given under section 29(1).

## **80 Meeting to form association called before commencement**

- (1) This section applies if, before the commencement, a meeting is called but not held under the repealed regulation, section 36.
- (2) The meeting may be held under the repealed regulation, section 36 as if this regulation had not commenced.
- (3) If an association is formed at the meeting, the association is taken to have been formed under section 34.

[s 81]

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## **81 Application for membership of an association**

- (1) This section applies if an application for membership of an existing association was—
  - (a) made under the repealed regulation, section 40, less than 2 months before the commencement; and
  - (b) not refused by the association before the commencement.
- (2) The application—
  - (a) is taken to be an application for membership of the new association made under section 38; and
  - (b) may be refused by the new association under that section.

## **82 Notice of meeting of association given before commencement**

- (1) This section applies if—
  - (a) notice was given before the commencement under the repealed regulation, section 46, of an annual general meeting or special meeting of an existing association; and
  - (b) the meeting has not been held before the commencement.
- (2) The notice is taken to have been given under section 44.

## **83 Transitional provision for association whose financial year changes**

- (1) This section applies if, immediately before the commencement, an existing association had a financial year that was a period—
  - (a) starting on 1 July in a year and ending on 30 June in the next year; or
  - (b) starting on 1 October in a year and ending on 30 September in the next year.

*Note—*

See the repealed Act, section 94.

- (2) The first annual general meeting of the new association after the commencement must be held not later than the following day—
  - (a) if the existing association has not held an annual general meeting during 2006—31 March 2007;
  - (b) otherwise—31 March 2008.
- (3) Subsection (2) applies despite section 42(1).
- (4) The accounts of the new association must be audited for the first time after the commencement within 3 months after the following day—
  - (a) if the accounts of the existing association have not been audited during 2006—31 December 2006;
  - (b) otherwise—31 December 2007.
- (5) Subsection (4) applies despite section 45(1).

#### **84 Association dissolved before commencement**

- (1) This section applies to an association formed under the repealed Act, and dissolved under the repealed regulation, section 49(1), before the commencement.
- (2) To the extent property or funds of the association have not been dealt with before the commencement under the repealed regulation, section 49(2), the section continues to apply in relation to the property or funds, despite its repeal, as if a reference to the corporation were a reference to the Minister.
- (3) In this section—

*corporation* has the meaning given under the repealed Act.

[s 85]

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## **85 Closure of amenity conducted by an association**

- (1) This section applies if the chief executive gave notice under the repealed regulation, section 51(2), ordering the closure of an amenity conducted by a former association.
- (2) If, immediately before the commencement, the former association was entitled under the repealed regulation, section 51A to ask the Minister to review the chief executive's decision but had not asked, the continuing association may ask the Minister to review the chief executive's decision under section 50.
- (3) An application for review made under the repealed regulation, section 51A, but not decided immediately before the commencement—
  - (a) is taken to have been made under section 50; and
  - (b) must be decided by the Minister under that section.
- (4) Subsection (5) applies if, before the commencement—
  - (a) the Minister affirmed, under the repealed regulation, section 51A, the chief executive's decision to order the closure of the amenity; and
  - (b) the reasonable time stated in the Minister's notice given under the repealed regulation, section 51A(3), to the former association had not ended.
- (5) The continuing association must close the amenity within the time stated in the Minister's notice.
- (6) In this section—

***continuing association***, in relation to a former association, means the former association as continued in existence under section 485 of the Act.

***former association*** means an association formed under the repealed Act.

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**86 Show cause notice for dissolution of school council**

- (1) This section applies if, before the commencement, the Minister—
  - (a) gave a school council a show cause notice under the repealed regulation, section 53(2); and
  - (b) did not give the council a notice under the repealed regulation, section 53B(2) or 53C(2).
- (2) On the commencement—
  - (a) the show cause notice is taken to have been given under section 52(2); and
  - (b) any representations made under the repealed regulation, section 53(2)(c) are taken to have been made under section 52(2)(c); and
  - (c) the Minister must decide whether to take further action under the show cause notice under section 54 or 55.

**87 Dissolution of school council by chief executive**

- (1) If, immediately before the commencement, the chief executive has published a notice under the repealed regulation, section 55(3) about an existing council, but has not made a decision about dissolving the council—
  - (a) the notice is taken to have been published under section 57(3); and
  - (b) the chief executive must decide under that section whether to dissolve the replacement council.
- (2) If, immediately before the commencement, an aggrieved person was entitled under the repealed regulation, section 56, to ask the Minister to review a decision to dissolve an existing school council, the person may ask the Minister under section 58 to review the decision.
- (3) If, before the commencement, an aggrieved person asked the Minister under the repealed regulation, section 56, to review the decision, and the review was not completed before the

[s 88]

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commencement, the Minister must complete the review under section 58.

(4) In this section—

*aggrieved person* has the meaning given under the repealed regulation, section 56.

*existing council* means a school council established under the repealed Act and in existence immediately before the commencement.

*replacement council*, for an existing council, means the existing council as continued in existence under section 484 of the Act.

## **88 Courses for overseas students**

- (1) An application made under the repealed regulation, section 72(1), and not decided or withdrawn before the commencement—
  - (a) is taken to be an application made under section 63; and
  - (b) must be decided by the chief executive under that section.
- (2) Approval given under the repealed regulation, section 72, and in force immediately before the commencement, is taken to be approval given under section 63.
- (3) A course that is, immediately before the commencement, an approved course for the repealed regulation, section 72 is taken to be an approved course for section 63.

## **89 Student vacations for State schools**

- (1) This section applies if a day, falling on or after the commencement, was approved under the repealed regulation, section 73(1) and the approval is in effect immediately before the commencement.
- (2) The day is taken to be a day for student vacations for State schools approved under section 64(1).

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**Division 2**                      **Transitional provision for Education  
(General Provisions) Amendment  
Regulation (No. 1) 2007**

**89A**    **Refund of part of fee for distance education**

- (1) This section applies if, before the end of semester 1 of the 2007 school year—
  - (a) a fee under the Act, section 52(2) was paid for the provision of distance education to a person during the school year; and
  - (b) because of a change in the person's personal circumstances, the person's enrolment in, or undertaking of a component of, a program of distance education at a State school ceased; and
  - (c) the person who paid the fee asked the chief executive for a refund of part of the fee.
- (2) The chief executive may deal with the request as if it were an application under section 69A.
- (3) Subsection (4) applies if the chief executive decides to refund part of the fee.
- (4) Despite section 69A(6), for calculating the refund, the person's enrolment in, or undertaking of a component of, the program of distance education is taken to have ceased on the day decided by the chief executive in consultation with the person who made the request.

**Division 3**                      **Transitional provision for Education  
(General Provisions) Amendment  
Regulation (No. 1) 2008**

**90**    **Application of s 69(2)**

- (1) The fees prescribed in section 69(2) are payable only for distance education to be provided on or after 1 January 2009.

[s 90]

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- (2) However, the fees are not payable for the provision of a subject by distance education to a person during 2009 if—
  - (a) the person is enrolled during 2008 to undertake the subject in year 11; and
  - (b) the person's enrolment to undertake the subject continues during 2009 in year 12.
- (3) Subsection (2) does not apply to the provision of distance education to—
  - (a) a person who—
    - (i) is enrolled during 2008 to undertake a subject in year 11; and
    - (ii) repeats the subject during 2009; or
  - (b) a person who—
    - (i) is enrolled during 2008 to undertake a subject in year 11 but the enrolment is cancelled; and
    - (ii) is re-enrolled to undertake the subject during 2009.



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**Schedule 4      Fees for preparation of reports**

section 62(4)

	\$
1 For a report of not more than 1000 words . . . . .	114.10
2 For a report of more than 1000 words but not more than 2000 words. . . . .	153.20
3 For a report of more than 2000 words . . . . .	229.25

## **Schedule 5      Fees for specialised educational programs**

section 70

<b>Column 1</b>	<b>Column 2</b>
<b>Specialised educational program</b>	<b>Fee for a year</b>
	<b>\$</b>
The program developed by the department and known as the International Baccalaureate Diploma in Education Queensland Schools Program . . . . .	1 946.40
The program developed by the department and known as the Queensland Academies Program . . . . .	1 929.30

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## Schedule 7      Dictionary

### section 3

***accredited representative*** means a representative of a religious denomination or religious society who has been approved by the Minister under section 76(1) of the Act to give religious instruction.

***amenity*** see section 49(1).

***attributes***, of a child, means the child's—

- (a) aptitude and ability; and
- (b) social and emotional competence; and
- (c) physical development; and
- (d) level of knowledge and understanding.

***commencement***, for part 10, see section 73.

***existing association***, for part 10, see section 73.

***new association***, for part 10, see section 73.

***public interest direction*** see section 52(1).

***repealed Act***, for part 10, see section 73.

***repealed regulation***, for part 10, see section 73.

***show cause notice***, for part 7, division 2, see section 52(2).

***show cause period***, for part 7, division 2, see section 52(2)(b).

***unexplained absence*** see section 19(1).

## Endnotes

### 1 Index to endnotes

	Page
2 Key .....	59
3 Table of reprints .....	59
4 List of legislation .....	61
5 List of annotations .....	63

### 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](mailto: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 included	Effective	Notes
1	none	30 October 2006	
1A	2006 SL No. 246	1 January 2007	
1B	2007 SL No. 266	2 November 2007	
1C	2007 SL No. 292	30 November 2007	
1D	2006 SL No. 246 2007 SL No. 247	1 January 2008	R1D withdrawn, see R2
2	—	1 January 2008	
2A	2008 SL No. 93	18 April 2008	
2B	2008 SL No. 181	1 July 2008	
2C	2008 SL No. 281	29 August 2008	
2D	2008 SL No. 323	1 January 2009	R2D withdrawn, see R3
3	—	1 January 2009	
3A	2009 SL No. 188	1 January 2010	
3B	2010 SL No. 175	26 July 2010	
3C	2010 SL No. 245	1 January 2011	
3D	2011 SL No. 169	9 September 2011	
3E	2011 SL No. 169	1 January 2012	
3F	2012 SL No. 32 (amd 2012 SL No. 71)	9 July 2012	
3G	2012 SL No. 144	1 September 2012	
3H	2012 SL No. 144	1 January 2013	

Current as at	Amendments included	Notes
29 January 2013	2012 SL No. 230	
1 January 2014	2013 SL No. 180	
6 January 2014	2013 SL No. 263	
28 November 2014	2014 SL No. 276	

## 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 (General Provisions) Regulation 2006 SL No. 246**

made by the Governor in Council on 5 October 2006  
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))  
s 90(3) sch 3 commenced 1 January 2008 (see s 2(2))  
remaining provisions commenced 30 October 2006 (see s 2(3))  
exp 1 September 2017 (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 (General Provisions) Regulation 2006 SL No. 246 ss 1–2(1)–(2), 90(2)–(3) sch 2–3**

notfd gaz 6 October 2006 pp 577–80  
ss 1–2 commenced on date of notification  
s 90(3) sch 3 commenced 1 January 2008 (see s 2(2))  
remaining provisions commenced 1 January 2007 (see s 2(1))

### **Education Legislation Amendment Regulation (No. 1) 2007 SL No. 247 pts 1–2**

notfd gaz 12 October 2007 pp 841–2  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2008 (see s 2)

### **Education Legislation Amendment Regulation (No. 2) 2007 SL No. 266 ss 1, 21(1) sch 1**

notfd gaz 2 November 2007 pp 1224–5  
commenced on date of notification

### **Education (General Provisions) Amendment Regulation (No. 1) 2007 SL No. 292**

notfd gaz 30 November 2007 pp 1824–6  
commenced on date of notification

### **Education (Queensland Studies Authority) and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 93 pts 1, 3**

notfd gaz 18 April 2008 pp 2085–8  
commenced on date of notification

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**Liquor and Another Regulation Amendment Regulation (No. 1) 2008 SL No. 181 ss 1–2(1), pt 3**

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2(1))

**Education (General Provisions) Amendment Regulation (No. 1) 2008 SL No. 281**

notfd gaz 29 August 2008 pp 2831–5

commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared.

**Education Legislation Amendment Regulation (No. 1) 2008 SL No. 323 pts 1–2**

notfd gaz 3 October 2008 pp 690–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2009 (see s 2)

**Education and Training Legislation Amendment Regulation (No. 1) 2009 SL No. 188 pts 1–2**

notfd gaz 4 September 2009 pp 77–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2010 (see s 2)

**Education (General Provisions) Amendment Regulation (No. 1) 2010 SL No. 175**

notfd gaz 9 July 2010 pp 1101–2

ss 1–2 commenced on date of notification

remaining provisions commenced 26 July 2010 (see s 2)

**Education and Training Legislation Amendment Regulation (No. 1) 2010 SL No. 245 ss 1–2(1), pt 2**

notfd gaz 10 September 2010 pp 115–16

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2011 (see s 2(1))

**Education Legislation Amendment Regulation (No. 1) 2011 SL No. 169 pts 1–2**

notfd gaz 9 September 2011 pp 100–3

ss 1–2, 5 commenced on date of notification

remaining provisions commenced 1 January 2012 (see s 2)

**Education Legislation Amendment Regulation (No. 1) 2012 SL No. 32 pts 1, 3 (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 commenced 9 July 2012 (see s 2)

amending legislation—

**Education Legislation Amendment Regulation (No. 2) 2012 SL No. 71 ss 1–2, 4 (amends 2012 SL No. 32 above)**

notfd gaz 15 June 2012 pp 329–30

commenced on date of notification

Endnotes

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**Education and Training Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 144 pts 1–2**

notfd gaz 31 August 2012 pp 1097–9  
ss 1–2 commenced on date of notification  
s 5 commenced 1 September 2012 (see s 2(1)(a))  
remaining provisions commenced 1 January 2013 (see s 2(2))

**Education Legislation Amendment Regulation (No. 3) 2012 SL No. 230 pts 1, 3**

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 and Training Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 180 pts 1–2**

notfd gaz 20 September 2013 pp 101–3  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2014 (see s 2)

**Education, Training and Other Legislation Amendment Regulation (No. 1) 2013 SL No. 228 pts 1, 3**

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

**Education (General Provisions) Amendment Regulation (No. 1) 2013 SL No. 263**

notfd <www.legislation.qld.gov.au> 6 December 2013  
ss 1–2 commenced on date of notification  
remaining provisions commenced 6 January 2014 (see s 2)

**Education Legislation (Fees) Amendment Regulation (No. 1) 2014 SL No. 228 pts 1, 3**

notfd <www.legislation.qld.gov.au> 3 October 2014  
ss 1–2 commenced on date of notification  
remaining provisions commence 1 January 2015 (see s 2)

**Education Legislation Amendment Regulation (No. 1) 2014 SL No. 276 s 1, pt 3**

notfd <www.legislation.qld.gov.au> 28 November 2014  
commenced on date of notification

## 5 List of annotations

### PART 2—MANAGEMENT OF STATE INSTRUCTIONAL INSTITUTIONS

#### Division 1—Management generally

div hdg ins 2010 SL No. 175 s 4

#### Division 2—Temporary removal of student property

div hdg ins 2010 SL No. 175 s 5

#### Definition for div 2

s 9A ins 2010 SL No. 175 s 5



**Power to remove property from student**

**s 9B** ins 2010 SL No. 175 s 5  
amd 2013 SL No. 263 s 4

**Return of removed property**

**s 9C** ins 2010 SL No. 175 s 5

**Protection from liability**

**s 9D** ins 2010 SL No. 175 s 5

**Liquor not to be taken onto premises in dry places**

**s 12** amd 2008 SL No. 93 s 19

**Permission for liquor of a particular type to be taken onto particular premises in restricted area**

**s 13** sub 2008 SL No. 181 s 23

**Age for enrolment in preparatory year**

**s 15** sub 2006 SL No. 246 s 90(2) sch 2; 2014 SL No. 276 s 7

**Age for enrolment in years 1 to 7**

**s 16** sub 2006 SL No. 246 s 90(2) sch 2  
amd 2006 SL No. 246 s 90(3) sch 3; 2014 SL No. 276 s 8

**PART 8—STUDENT ACCOUNTS**

**pt 8 (ss 59–60)** om 2007 SL No. 266 s 21(1) sch 1

**Report about sexual abuse—Act, ss 365(3) and 366(3)**

**s 68** amd 2012 SL No. 32 s 6

**Report about likely sexual abuse—Act, ss 365A(4) and 366A(5)**

**s 68A** ins 2012 SL No. 230 s 6

**Fee for distance education—Act, s 52(2)**

**s 69** amd 2007 SL No. 247 s 4; 2008 SL No. 281 s 3; 2008 SL No. 323 s 4; 2009 SL No. 188 s 4; 2010 SL No. 245 s 4; 2011 SL No. 169 s 4; 2012 SL No. 144 s 4; 2013 SL No. 180 s 4

**Refund of part of fee for distance education—Act, s 434(2)(a)**

**s 69A** ins 2007 SL No. 292 s 3  
amd 2008 SL No. 281 s 4

**Refused application for distance education fee refund**

**s 69B** ins 2007 SL No. 292 s 3

**Prescribed State school or non-State school—Act, s 487(2)**

**s 71** om 2006 SL No. 246 s 90(2) sch 2

**Fee—Act, s 28(2)(c)**

**s 72** amd 2011 SL No. 169 s 5; 2012 SL No. 144 s 5

**PART 10—TRANSITIONAL PROVISIONS****Division 1—Transitional provisions for SL No. 246 of 2006**

**div hdg** ins 2007 SL No. 292 s 4

Endnotes

---

**Division 2—Transitional provision for Education (General Provisions) Amendment Regulation (No. 1) 2007**

div 2 (s 89A) ins 2007 SL No. 292 s 5

**Division 3—Transitional provision for Education (General Provisions) Amendment Regulation (No. 1) 2008**

div 3 (s 90) ins 2008 SL No. 281 s 5

**PART 11—AMENDMENT OF REGULATIONS**

pt hdg om R1D (see RA s 7(1)(k))

**Consequential and other amendments of regulations**

prov hdg om R1D (see RA s 40)

s 90 (1) om R1 (see RA s 40)

(2) om R1A (see RA s 40)

(3) om R1D (see RA s 40)

**SCHEDULE 1—CONSEQUENTIAL AND OTHER AMENDMENTS OF REGULATIONS**

om R1 (see RA s 40)

**SCHEDULE 2—AMENDMENTS COMMENCING ON 1 JANUARY 2007**

om R1A (see RA s 40)

**SCHEDULE 3—AMENDMENTS COMMENCING ON 1 JANUARY 2008**

om R1D (see RA s 40)

**SCHEDULE 4—FEES FOR PREPARATION OF REPORTS**

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

sub 2007 SL No. 247 s 5

amd 2008 SL No. 323 s 5

sub 2009 SL No. 188 s 5; 2010 SL No. 245 s 5; 2011 SL No. 169 s 6; 2012 SL No. 144 s 6; 2013 SL No. 180 s 5

**SCHEDULE 5—FEES FOR SPECIALISED EDUCATIONAL PROGRAMS**

sub 2007 SL No. 247 s 5

amd 2008 SL No. 323 s 6

sub 2009 SL No. 188 s 6; 2010 SL No. 245 s 5; 2011 SL No. 169 s 6; 2012 SL No. 144 s 6; 2013 SL No. 180 s 5

**SCHEDULE 6—PRESCRIBED STATE SCHOOLS OR NON-STATE SCHOOLS**

om 2006 SL No. 246 s 90(2) sch 2

**SCHEDULE 7—DICTIONARY**

def *attributes* ins 2014 SL No. 276 s 9