

Queensland



**YOUTH PARTICIPATION IN
EDUCATION AND TRAINING
ACT 2003**

Act No. 62 of 2003

Queensland



YOUTH PARTICIPATION IN EDUCATION AND TRAINING ACT 2003

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Queensland



Youth Participation in Education and Training Act 2003

Act No. 62 of 2003

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

[Assented to 13 October 2003]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Division 1—Introduction

1 Short title

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

2 Commencement

(1) The following provisions commence on assent—

- part 7, division 1
- section 83.

(2) The following provisions commence on a day to be fixed by proclamation—

- part 7, division 2, other than section 83
- part 8, divisions 1 and 3
- schedule 1.

(3) The remaining provisions of this Act commence on 1 January 2006.

Division 2—Application, objects and guiding principles

3 Act binds all persons

(1) This Act binds all persons including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States.

(2) Subsection (1) does not make the State, the Commonwealth or another State liable to be prosecuted for an offence.

4 Interaction with other legislation

(1) The *Education (General Provisions) Act 1989* includes provisions requiring young people to continue their schooling until they are 16 years or have completed year 10, whichever happens first.

(2) This Act includes provisions requiring young people to continue in education and training for a further period for the purpose of achieving a senior certificate or certificate III.

(3) The *Vocational Education, Training and Employment Act 2000* includes provisions about some of the eligible options available to young people during this further period of learning.

(4) The *Education (Queensland Studies Authority) Act 2002* includes provisions about keeping student accounts for young people to record their participation in education and training.

5 Ministerial declaration

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

(2) A copy of the declaration is set out in the attachment.

(3) The attachment is not part of this Act.

6 Main objects

The main objects of this Act are—

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

7 Activities to achieve objects

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

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

8 Guiding principles

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

- (a) the State should develop practical ways to improve the social, educational and employment outcomes of young people including, in particular, those who are at risk of disengaging from education and training;
- (b) the State should foster a community commitment to young people by involving members of the community and community organisations in—
 - (i) developing education and training opportunities for young people; and
 - (ii) re-engaging young people in education and training; and

- (iii) developing ways to improve the social outcomes of young people;
- (c) the State should work with parents to achieve the best outcomes for young people;
- (d) the State should work in consultation with non-government entities to achieve the objects of this Act.

Division 3—Interpretation

9 Definitions

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

10 Notes in text

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

PART 2—COMPULSORY PARTICIPATION IN EDUCATION OR TRAINING

Division 1—Key terms

11 Compulsory participation phase

A young person’s “**compulsory participation phase**”—

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

12 Eligible options and providers

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

eligible option	provider
an educational program provided under the EGP Act	a State educational institution
an educational program provided under the <i>Education (Accreditation of Non-State Schools) Act 2001</i>	a non-State school
a course of higher education under the <i>Higher Education (General Provisions) Act 1993</i>	a university or non-university provider
a course of vocational education and training provided under the VETE Act	a TAFE institute or registered training organisation
an apprenticeship or traineeship under the VETE Act	a registered training organisation
a departmental employment skills development program	the VETE chief executive

Division 2—Participation in a program or course

13 Application of div 2

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

14 What is participation

(1) A young person is participating in an eligible option only if the person is—

- (a) enrolled with the provider in the relevant program or course; and
- (b) complying with the provider’s attendance requirements for the program or course.

(2) The provider's attendance requirements for a program or course are the requirements about physically attending, at particular times, the provider's premises or another place.

(3) However, despite subsection (2)—

- (a) the provider's attendance requirements for a program of distance education are to complete and return the assigned work for the program; and
- (b) the provider's attendance requirements for another external program are its requirements about communicating with or contacting the provider for the purpose of participating in the program or course.

15 Full-time participation

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

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

Example for paragraph (b)—

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

The levels of the young person's participation are—

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

16 Allowed absence

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

Example—

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

17 Suspension or exclusion

(1) If a young person participating in an eligible option stops attending the provider because the person has been suspended from the provider, the person's participation in the option is taken to continue during the period of the suspension.

(2) Subsection (1) does not apply to suspension from a State Educational institution under the EGP Act if the person has been placed in an alternative educational program under section 30 of that Act.

Note—

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

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

Division 3—Participation in an apprenticeship or traineeship

18 Participation in an apprenticeship or traineeship

(1) This section applies to a young person who is an apprentice or trainee under the VETE Act.

(2) The person is taken to be participating full-time in an apprenticeship or traineeship under the VETE Act.

Division 4—Parents' obligation

19 Obligation to ensure participation

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

Maximum penalty—

- (a) for a first offence—5 penalty units; or

- (b) for a second or subsequent offence, whether or not relating to the same child of the parent—10 penalty units.

(2) Without limiting subsection (1), it is a reasonable excuse for a parent that—

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

20 Exceptions to obligation

(1) Section 19(1) does not apply to the extent provided under a dispensation in force under part 3.

(2) Section 19(1) does not apply if—

- (a) the young person is in paid employment for at least 25 hours each week; or
- (b) the young person is in paid employment for less than 25 hours each week, or unpaid employment, under an employment exemption.

(3) Section 19(1) does not apply if the young person is enrolled with an entity providing a non-departmental employment skills development program and attending the entity for the program.

(4) Section 19(1) does not apply to the extent of any inconsistency with a law of the Commonwealth under which a young person in the compulsory participation phase may carry on an activity other than participating full-time in an eligible option.

21 Information notice and meeting

(1) This section applies if an authorised officer reasonably suspects a young person is in the compulsory participation phase and is not participating full-time in an eligible option.

(2) The officer may give a parent of the young person a notice in the approved form about the parent's obligation under section 19.

(3) The officer may also meet with the parent to discuss the obligation.

(4) If, despite the officer taking reasonable steps to meet with the parent under subsection (3), no meeting is held, the officer may give the parent a warning notice in the approved form.

(5) For the *Police Powers and Responsibilities Act 2000*, section 14,¹ an authorised officer acting under this section is a public official performing a function authorised by this Act.

(6) In this section—

“authorised officer” means the chief executive or an officer of the department authorised by the chief executive for this section.

22 Limits on proceedings against a parent

(1) Proceedings for an offence against section 19(1) may be brought against a parent—

- (a) only by the chief executive or with the chief executive's consent; and
- (b) only if the time when the parent is alleged to have committed the offence is after—
 - (i) the parent has been given a notice under section 21(2); and
 - (ii) at least 1 meeting has been held with the parent under section 21(3) or the parent has been given a warning notice under section 21(4).

(2) The chief executive (families) is not liable to be prosecuted for an offence against section 19(1) in relation to a young person of whom the chief executive (families) has been granted guardianship under the *Child Protection Act 1999*.

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

PART 3—DISPENSATIONS

Division 1—Bases for granting a dispensation

23 Explanation

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

24 Participation is impossible or should not be required

(1) The chief executive may grant a dispensation fully excusing a young person from participation if the chief executive is satisfied—

- (a) the young person can not participate in any eligible option; or
- (b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option.

(2) The chief executive may grant a dispensation partially excusing a young person from participation if the chief executive is satisfied—

- (a) the young person can not participate in any eligible option at a full-time level; or
- (b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option at a full-time level.

25 Home schooling

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

- (a) provided by a registered teacher; and
- (b) complying with the requirements prescribed under a regulation.

Division 2—Application process

26 Application for dispensation

(1) A young person, or a parent of a young person, may apply to the chief executive for a dispensation from the requirement that the young person participate in an eligible option.

(2) The application must—

- (a) be in the approved form; and
- (b) state whether dispensation is sought under section 24 or 25; and
- (c) state the period for which the dispensation is sought; and
- (d) for an application by a young person—include the signed consent of a parent of the young person.

(3) However, subsection (2)(d) does not apply if the chief executive is satisfied it would be inappropriate in all the circumstances to require the signed consent of a parent.

Example—

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

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

Examples—

1. If dispensation is sought under section 24 because the young person is suffering an illness, the information required under this subsection may include stated medical evidence.
2. If dispensation is sought under section 25, the information required under this subsection may include details of the educational program to be provided to the young person.

(5) The chief executive must decide the application as soon as practicable.

27 Lapsing of application

(1) The chief executive may make a requirement under section 26(4), for information to decide the application, by giving the applicant a notice stating—

- (a) the required information; and

- (b) the time by which the information must be given to the chief executive; and
- (c) that, if the information is not given to the chief executive by the stated time, the application will lapse.

(2) The time stated must be reasonable and, in any case, at least 14 days after the requirement is made.

(3) The chief executive may withdraw the requirement, or part of the requirement, at any time.

(4) Before the stated time ends, the chief executive may give the applicant a further notice extending the stated time if the chief executive is satisfied it would be reasonable in all the circumstances to give the extension.

(5) If the applicant does not comply with the requirement within the stated time, or any extension, the application lapses.

28 Temporary dispensation until application is decided

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

(2) If the application is made while an existing dispensation is in force for the young person, the existing dispensation continues to apply until 14 days after the chief executive gives notice to the applicant under section 30, or until the application lapses.

29 Contents of dispensation

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

(2) The dispensation must state—

- (a) the day it is granted; and
- (b) the young person to whom it relates; and
- (c) whether it is full or partial and, if it is partial, the extent to which the person is excused from participation; and

- (d) whether it applies until the end of the person's compulsory participation phase or only until a stated earlier time; and
- (e) any conditions on which it is granted.

30 Notice about decision and right to seek review

(1) The chief executive must give the applicant notice of the decision on the application.

(2) If the chief executive decides the application in a way mentioned in section 31(a) to (c), the notice must state—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that, within 28 days after receiving the notice, the applicant may apply to the chief executive for a review of the decision; and
- (d) how the applicant may apply for the review.

Division 3—Review of decision by chief executive

31 Reviewable decision by chief executive

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

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

32 Application for review

(1) The applicant may apply to the chief executive for a review of the original decision.

(2) The application must be made—

- (a) if the applicant receives notice about the original decision under section 30—within 28 days after the notice is received; or

(b) otherwise—within 28 days after the applicant becomes aware of the original decision.

(3) The chief executive may extend the time for making the application.

(4) The application must be in the approved form and supported by enough information to enable the chief executive to decide the application.

33 Review decision

(1) Unless the chief executive made the original decision personally, the chief executive must ensure the application is not dealt with by—

- (a) the person who made the original decision; or
- (b) a person in a less senior office than the person who made the original decision.

(2) Within 28 days after receiving the application, the chief executive must review the original decision and make a decision (the “**review decision**”)—

- (a) confirming the original decision; or
- (b) amending the original decision; or
- (c) substituting another decision for the original decision.

(3) The chief executive must make the review decision on the material that led to the original decision and any other material the chief executive considers relevant.

(4) Immediately after making the review decision, the chief executive must give the applicant notice of the decision.

(5) If the chief executive makes the review decision in a way mentioned in section 31(a) to (c), the notice must state—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that, within 28 days after receiving the notice, the applicant may appeal against the decision to the Magistrates Court.

Division 4—Appeal to Magistrates Court

34 Application of div 4

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

35 Appeal to Magistrates Court

(1) The applicant may appeal against the review decision to the Magistrates Court.

(2) The appeal must be started—

- (a) if the applicant receives notice about the review decision under section 33(5)—within 28 days after the notice is received; or
- (b) otherwise—within 28 days after the applicant becomes aware of the review decision.

(3) However, the court may extend the time for making the appeal.

36 Conduct of appeal

(1) The appeal is started by filing a notice of appeal in the court.

(2) The appeal is by way of rehearing, unaffected by the review decision, on the material before the chief executive and any further evidence allowed by the court.

(3) The court may—

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

PART 4—STUDENT ACCOUNTS

Division 1—Preliminary

37 Explanation and purposes

(1) This part provides for the keeping of a record (a “**student account**”) for every young person about the person’s participation in eligible options during the compulsory participation phase.

(2) The purposes of keeping student accounts are—

- (a) to support the Queensland Studies Authority (the “**QSA**”) in performing its certification functions under the QSA Act, section 13; and
- (b) to make information available to the chief executive to enable the chief executive to carry on planning activities and re-engagement activities.²

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

38 When an account must be opened

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

39 Who must open an account

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

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

² See section 7 (Activities to achieve objects).

40 How an account is opened

A student account is opened for a young person by giving notice to the QSA, in the approved form, of the following information about the young person—

- (a) name and any previous names;
- (b) address;
- (c) date of birth;
- (d) other information prescribed under a regulation;
- (e) the eligible option in which the young person proposes to participate when the young person starts the compulsory participation phase.

Division 3—Student account phase

41 The student account phase

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

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

42 Obligation to notify enrolment

If a young person in the student account phase enrolls with a provider, the provider must give notice to the QSA, in the approved form, of the person’s enrolment.

43 Obligation to open an account

(1) This section applies if the QSA receives a notice under section 42 about a young person who is in the compulsory participation phase but does not have a student account.

(2) The QSA may give the provider a notice asking it to open an account for the young person.

(3) On receiving the request, the provider must open a student account for the young person by giving notice to the QSA, in the approved form, of the following information about the person—

- (a) the information mentioned in section 40(a) to (d);
- (b) any eligible options in which the person is participating or has participated since starting the compulsory participation phase.

44 Obligation to notify other matters

(1) This section applies to a provider with which a young person in the student account phase is enrolled.

(2) The provider must give notice to the QSA, in the approved form, at the times prescribed under a regulation, of the following matters—

- (a) if the provider is aware that information, previously notified to the QSA under this part, has changed or is incorrect—the new or correct information;
- (b) if the young person stops being enrolled with the provider—the day the person stopped.

Note—

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

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

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

(1) This section applies to a provider that is a TAFE institute or registered training organisation.

(2) The provider complies with a requirement under this division to give notice to the QSA if, with the written agreement of the VETE chief executive, it gives the relevant information to the VETE chief executive and asks the VETE chief executive to give the notice on its behalf.

Division 4—Use and disclosure of information

46 Use and disclosure by the QSA

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

(2) To enable the QSA to ensure the accuracy of information recorded in a person's student account, the QSA may disclose student account information about the person to a provider.

(3) To enable the chief executive to carry on planning activities,³ the QSA must give the chief executive the aggregated information that the chief executive asks for.

(4) The QSA must include, in its annual report for a financial year under the *Financial Administration and Audit Act 1977*, the details of each request under subsection (3) received during the year.

(5) To enable the chief executive to carry on re-engagement activities,⁴ the QSA must give the chief executive any of the prescribed information that the chief executive asks for about a young person who, according to the person's student account—

- (a) is in the compulsory participation phase; and
- (b) has stopped being enrolled with a provider; and
- (c) after a period of at least 3 months, has not re-enrolled with a provider.

(6) In this section—

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

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

“prescribed information”, about a young person, means—

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

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

- (a) name and any previous names;
- (b) address;
- (c) date of birth;
- (d) details of the last eligible option in which, according to the person's student account, the person was participating.

“student account information” means information recorded in a student account.

47 Disclosure by chief executive to appropriate entities

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

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

Examples of entities that may be appropriate—

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

Division 5—Miscellaneous

48 Overseas students

(1) This section applies despite divisions 2 and 3.

(2) An entity must not open a student account for an overseas student, or give notice to the QSA of the enrolment of an overseas student, without the student's written agreement.

(3) In this section—

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

PART 5—LEGAL PROCEEDINGS

Division 1—Evidence

49 Application of div 1

This division applies to a proceeding under this Act.

50 Appointments and authority

It is not necessary to prove the appointment of the chief executive or an authorised officer, or the authority of the chief executive or an authorised officer to do anything under this Act, unless a party, by reasonable notice, requires proof of the appointment or authority.

51 Signatures

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

52 Other evidentiary aids

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

- (a) a stated document is—
 - (i) an approval, decision or requirement made under this Act;
or
 - (ii) a dispensation granted under this Act; or
 - (iii) a notice given under this Act;

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

Division 2—Offence proceedings

53 Summary proceedings for offences

(1) A proceeding for an offence against this Act must be taken in a summary way under the *Justices Act 1886*.

(2) The proceeding must start—

- (a) within 1 year after the commission of the offence; or
- (b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

54 Statement of complainant's knowledge

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

55 Evidence of chief executive's consent

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

PART 6—MISCELLANEOUS

Division 1—Involvement of certain non-State school entities

56 Entities to which this division applies

This division applies to the following entities—

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

57 Consultation about planning

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

58 Consultation about proposed regulations

The Minister must consult with the entities before making a recommendation to the Governor in Council about making a regulation under section 40(d), 44(2) or 59.⁶

59 Aggregated information

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

(2) In this section—

“aggregated information” see section 46(6).

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

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

Division 2—Other matters

60 Transitional

To remove any doubt, it is declared that, despite section 11, a young person is not in the compulsory participation phase if the person stopped being of compulsory school age before the commencement of that section.

61 Confidentiality

(1) This section applies to a person—

- (a) who is or has been—
 - (i) the chief executive or a public service employee in the department; or
 - (ii) an employee of a provider; or
 - (iii) an employee of the QSA; or
 - (iv) an entity, or an employee of an entity, to whom the chief executive has given information under section 47;⁷ and
- (b) who, in the course of the administration of this Act, or because of opportunity provided by the administration, has gained or has access to personal information about a young person in the student account phase.

(2) The person must not make a record of the information, disclose the information to anyone else or give access to the information to anyone else, other than—

- (a) for a purpose of this Act; or
- (b) with the consent of the person to whom the information relates; or
- (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or
- (d) as permitted or required by another Act.

Maximum penalty—50 penalty units.

⁷ Section 47 (Disclosure by chief executive to appropriate entities)

(3) Subsection (2) continues to apply to personal information about a young person in the student account phase after the phase ends.

(4) In this section—

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

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

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

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

62 Delegation by chief executive

(1) The chief executive may delegate the chief executive’s powers under this Act to an appropriately qualified officer or employee of the department or the VETE department.

(2) A delegation of a power may permit the subdelegation of the power to an appropriately qualified officer or employee of the department or the VETE department.

(3) In this section—

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

Example of standing—

a person’s classification level in the public service

63 Approved forms

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

64 Regulation-making power

The Governor in Council may make regulations under this Act.

PART 7—AMENDMENT OF EDUCATION (GENERAL PROVISIONS) ACT 1989

Division 1—Preliminary

65 Act amended in pt 7 and sch 1

This part and schedule 1 amend the *Education (General Provisions) Act 1989*.

Division 2—Amendments commencing on proclamation

66 Amendment of s 2 (Interpretation)

(1) Section 2(1), definitions “age of compulsory attendance” and “excluded person”—

omit.

(2) Section 2(1)—

insert—

‘ “**compulsory school age**” means at least 6 years and less than 15 years.

“**educational program**” includes a program under arrangements approved under section 114A or 114B.

“**excluded person**” see sections 36(1) and (2) and 36E(3).

“**registered teacher**” means a person registered as a teacher under the *Education (Teacher Registration) Act 1988*.

“**school of distance education**” means—

- (a) a State educational institution, other than a State school, offering distance education; or
- (b) a non-State school accredited or provisionally accredited under the *Education (Accreditation of Non-State Schools) Act 2001* to provide distance education.’.

(3) Section 2(1), definition “teacher”, paragraph (a)—
omit, insert—

‘(a) is a registered teacher; or’.

67 Amendment of s 14 (Provision of State education)

(1) Section 14(1), ‘a program of instruction’—
omit, insert—

‘an educational program’.

(2) Section 14(2), ‘program of instruction’—
omit, insert—

‘educational program’.

68 Amendment of s 19B (Implementation of syllabus or preschool guideline at a State educational institution)

(1) Section 19B, heading, after ‘syllabus’—
insert—

‘, **course**’.

(2) Section 19B(1), from ‘implement’—
omit, insert—

‘implement—

(a) an approved syllabus or accredited syllabus for the area of learning; or

(b) for an institution that is a registered training organisation—an accredited course.’.

(3) Section 19B(3), from ‘implement’—
omit, insert—

‘implement—

(a) a stated approved syllabus or accredited syllabus for the area of learning; or

(b) for an institution that is a registered training organisation—a stated accredited course.’.

(4) Section 19B(5)—

insert—

‘ **“accredited course”** means a course accredited under the *Vocational Education, Training and Employment Act 2000*.

“registered training organisation” means a registered training organisation under the *Vocational Education, Training and Employment Act 2000*.’.

69 Amendment of pt 4, div 3 hdg (Exclusion of students)

Part 4, division 3, heading, after ‘*students*’—

insert—

‘*by supervisor*’.

70 Amendment of s 33 (Grounds for exclusion of student)

Section 33, heading, after ‘**student**’—

insert—

‘**by supervisor**’.

71 Amendment of s 36 (Exclusion of student)

(1) Section 36, heading, after ‘**student**’—

insert—

‘**by supervisor**’.

(2) Section 36—

insert—

‘(6) The supervisor’s power under this section to exclude the student from State educational institutions applies to an institution only if the supervisor is the supervisor of the principal of the institution.’.

72 Insertion of new pt 4, div 3A and div 3B hdg

After section 36—

insert—

‘Division 3A—Exclusion of students by chief executive

‘36A Chief executive’s power to exclude student

‘(1) The chief executive may exclude a student from a stated State educational institution, or all State educational institutions, if the chief executive is satisfied a ground exists for the exclusion.

‘(2) The chief executive may act under this division whether or not the student has already been suspended or excluded under this part.

‘36B Grounds for exclusion of student by chief executive

‘Despite section 33, the grounds for excluding a student under this division are—

- (a) the student’s attendance at the institution or institutions presents an unreasonable risk to the safety of other students or staff; or
- (b) the student has persistently engaged in gross misbehaviour that adversely affects the education of other students.

‘36C Suspension pending final decision about exclusion

‘(1) If the chief executive is reasonably satisfied a ground exists to exclude a student from an institution or institutions, and the student is not already suspended or excluded from the institution or institutions, the chief executive must immediately suspend the student from the institution or institutions pending a final decision about the exclusion.

‘(2) The chief executive must give the student a notice stating—

- (a) that the student is immediately suspended from the institution or institutions or, if the student is already suspended or excluded from the institution or institutions, that the suspension or exclusion continues until a final decision is made about the chief executive’s proposed exclusion; and

- (b) that the chief executive proposes to exclude the student from the institution or institutions; and
- (c) the reason for the proposed exclusion; and
- (d) if the proposed exclusion is not permanent—the period of the proposed exclusion; and
- (e) that the student may make a submission to the chief executive against the proposed exclusion within 5 school days after the day the notice is given to the student or the longer period allowed by the chief executive; and
- (f) the title, name and address of the chief executive; and
- (g) the way in which the submission may be made.

‘(3) The chief executive must immediately give copies of the notice to the principal of the institution with which the student is enrolled and the principal’s supervisor.

‘36D Submissions against proposed exclusion

‘(1) A student given a notice under section 36C may make a submission against the proposed exclusion in the way stated in the notice.

‘(2) The submission must—

- (a) be made to the chief executive no later than 5 school days after the day the notice is given to the student; and
- (b) state fully the grounds for the submission and the facts relied on.

‘(3) If, within 5 school days after the notice is given to the student, the student asks the chief executive for a longer period to make the submission, the chief executive may, by notice, state a longer period allowed for submissions.

‘36E Exclusion of student by chief executive

‘(1) After considering any submissions received from a student under section 36D, the chief executive must decide whether to exclude the student and, if so, the period of the exclusion.

‘(2) The chief executive may not decide to exclude the student for a longer period than the period of the proposed exclusion stated in the notice given to the student under section 36C.

‘(3) If the chief executive is reasonably satisfied a ground exists to exclude the student from an institution or institutions, the chief executive must give the student (the “**excluded person**”) a notice stating—

- (a) that the student is excluded from the stated institution or institutions; and
- (b) the reason for the exclusion; and
- (c) if the proposed exclusion is not permanent—the period of the exclusion; and
- (d) that the student may make a submission asking the chief executive to review the exclusion; and
- (e) the title, name and address of the chief executive; and
- (f) the way in which the submission may be made.

‘(4) If the chief executive decides not to exclude the student, the chief executive must give the student a notice stating—

- (a) the decision; and
- (b) that the suspension has ended and the student may return to the institution or institutions the student was attending before the suspension.

‘(5) If the chief executive gives a notice under subsection (4), the suspension under section 36C, and any other suspension or exclusion of the student under this part, ends.

‘(6) The chief executive must give notice of the decision about the exclusion to the principal of the institution with which the student is or was enrolled and the principal’s supervisor.

‘Division 3B—Review of decisions about exclusion’.

73 Amendment of s 37 (Submissions against exclusions)

Section 37(1), ‘The excluded person’—

omit, insert—

‘If an exclusion is made under division 3 or 3A, the excluded person’.

74 Amendment of s 38 (Dealing with submissions against exclusions)

(1) Section 38(1), ‘promptly’—

omit, insert—

‘, within 40 business days after receiving the submission.’.

(2) Section 38(2)(a)(ii), after ‘supervisor’s decision’—

insert—

‘or chief executive’s original decision’.

(3) Section 38—

insert—

‘(3) If the original decision was made under division 3A and was not made by the chief executive personally, the chief executive must ensure the submission is not dealt with under this section by—

- (a) the person who made the original decision; or
- (b) a person in a less senior office than the person who made the original decision.’.

75 Insertion of new s 38A

Part 4, division 3B, after section 38—

insert—

‘38A Periodic review of decision to exclude under div 3A

‘(1) This section applies while a person (the “**student**”) is excluded under division 3A.

‘(2) Within 1 month before the end of each school year, the chief executive must give the student a notice stating—

- (a) that the student may make a written submission to the chief executive about whether the exclusion should be revoked; and
- (b) the title, name and address of the chief executive; and
- (c) the way in which the submission may be made; and
- (d) the time, not less than 14 days after the notice is given, by which the submission must be made.

‘(3) At any time before deciding whether to revoke the exclusion under this section, the chief executive may extend the time for making a submission.

‘(4) The student may make a submission, in the way stated in the notice, within the time stated in the notice or any later time allowed under subsection (3).

‘(5) After considering any submissions received from the student under subsection (4), the chief executive must—

- (a) decide whether to revoke the exclusion; and
- (b) give written notice of the decision and the reasons for the decision to—
 - (i) the student; and
 - (ii) the principal of the institution with which the student was enrolled immediately before the exclusion started; and
 - (iii) the principal’s supervisor.

‘(6) The chief executive must revoke the exclusion to the extent it applies to an institution if the chief executive is reasonably satisfied —

- (a) the ground mentioned in section 36B(a) does not apply; and
- (b) if the student was excluded on the ground mentioned in section 36B(b)—the gross misbehaviour is unlikely to continue if the student were allowed to attend the institution.

‘(7) Otherwise, the chief executive must not revoke the exclusion.

‘(8) In this section—

“**revoke**”, an exclusion, means—

- (a) revoke the exclusion entirely; or
- (b) amend the exclusion so it no longer applies to a particular institution.’.

76 Replacement of s 114 (Compulsory enrolment and attendance at school)

Section 114—

omit, insert—

‘114 Compulsory schooling

‘(1) Each parent of a child of compulsory school age must—

- (a) ensure the child is enrolled with a State educational institution or a non-State school; and
- (b) ensure the child attends the institution or school, on every school day, for the educational program in which the child is enrolled.

‘(2) A child attends an institution or school only if he or she complies with the institution or school’s requirements about physically attending, at particular times, its premises or another place.

‘(3) However, despite subsection (2)—

- (a) a child enrolled in a program of distance education attends the school of distance education by completing and returning the assigned work for the program; and
- (b) a child enrolled in another program that does not require physical attendance at the institution or school’s premises or another place attends the institution or school by complying with its requirements about communicating with or contacting the institution or school for the purpose of participating in the program.

‘(4) Subsection (1) applies subject to this part.

‘114A Flexible arrangements—non-State school

‘(1) The authorised entity for a non-State school may approve arrangements for a student at the school that are to apply to the student instead of participation in the school’s educational programs in the usual way.

‘(2) The authorised entity may approve the arrangements only if—

- (a) a registered teacher has prepared written assessments of—
 - (i) the student’s educational and other needs; and

- (ii) the learning outcomes that the proposed arrangements are intended to achieve; and
 - (iii) the suitability of each provider; and
 - (b) the entity has considered—
 - (i) the written assessments prepared under paragraph (a); and
 - (ii) how, and by whom, the student's participation in the arrangements is to be monitored; and
 - (iii) how, and by whom, each provider's involvement in the arrangements is to be monitored and its effectiveness evaluated; and
 - (c) the entity is satisfied the arrangements are appropriate, having regard to—
 - (i) the student's individual needs and circumstances; and
 - (ii) what the entity considers is most likely to achieve the best learning outcomes for the student; and
 - (iii) the desirability, unless it would be inappropriate in all the circumstances, of the arrangements requiring the student's participation at a level that is equivalent to full-time participation in the school's educational programs in the usual way; and
 - (iv) any other matter prescribed under a regulation; and
 - (d) a parent of the student has given written agreement to the arrangements; and
 - (e) the entity has discussed the proposed arrangements with the student to the extent the entity considers appropriate, having regard to the student's age and other relevant circumstances.
- (3)** The non-State school must keep, for at least 5 years after the arrangements stop applying to the student—
- (a) the written assessments prepared under subsection (2)(a); and
 - (b) a record of the authorised entity's consideration of the matters stated in subsection (2)(b); and
 - (c) the written agreement obtained under subsection (2)(d).

‘(4) However, subsection (2)(d) does not apply if the authorised entity is satisfied it would be impracticable or inappropriate in the circumstances to require the written agreement of a parent.

Example—

It may be inappropriate to require a parent’s written agreement if the student is living independently of his or her parents.

‘(5) In this section—

“**authorised entity**”, for a non-State school, means—

- (a) the school’s governing body under the *Education (Accreditation of Non-State Schools) Act 2001*; or
- (b) a staff member of the school given written authorisation by the governing body for this section.

“**provider**”, in relation to arrangements for a student, means an entity directly involved in providing a program to the student under the arrangements.

“**student**” means a student of compulsory school age.

‘114B Flexible arrangements—State educational institution

‘(1) The chief executive may approve arrangements for a student enrolled with a State educational institution that are to apply to the student instead of participation in the institution’s educational programs in the usual way.

‘(2) Section 114A(2), (4) and (5), except the definition “authorised entity”, apply to the chief executive and the student as if—

- (a) a reference to the authorised entity were a reference to the chief executive; and
- (b) a reference to the non-State school were a reference to the State educational institution.’.

77 Amendment of s 115 (Dispensation from compliance with compulsory enrolment and attendance provisions)

(1) Section 115(1) and (3), ‘the age of compulsory attendance’—

omit, insert—

‘compulsory school age’.

(2) Section 115(1), (2)(a), (2)(b), (2)(e) and (3), ‘Minister’—

omit, insert—

‘chief executive’.

(3) Section 115(2)(d), (5) and (6)—

omit.

(4) Section 115—

insert—

‘(5) Section 114(1) does not apply to a child to the extent stated in a dispensation or provisional dispensation in force for the child.’.

78 Insertion of new ss 116A and 116B

After section 116—

insert—

‘116A Child’s suspension or exclusion

‘(1) Section 114(1) does not apply to a child who has been excluded permanently from all State educational institutions.

‘(2) Section 114(1)(b) does not apply—

- (a) for a child who is excluded for a limited period from all State educational institutions—while the child is excluded; or
- (b) for a child who is suspended from the State educational institution with which the child is enrolled—while the child is suspended and is not placed in an alternative education program under section 30; or
- (c) for a child who is suspended from the non-State school with which the child is enrolled—while the child is suspended.

‘(3) In this section—

“**excluded**”, from a State educational institution, means excluded under part 4, division 3 or 3A.

“**suspended**”, from a State educational institution, means suspended under part 4, division 2.

‘116B Child’s illness

‘(1) Section 114(1)(b) does not apply to a child for a period of not more than 10 consecutive school days during which the child is too ill to attend the State educational institution or non-State school with which the child is enrolled.

Note—

For a child who is prevented by ill-health from attending school for longer periods, see section 115 for the chief executive’s power to grant a dispensation.

‘(2) A regulation may provide for the obligations of the parents of a child mentioned in subsection (1).’.

79 Replacement of s 117 (Distance education)

Section 117—

omit, insert—

‘117 Information notice and meeting

‘(1) This section applies if an authorised officer reasonably suspects a child of compulsory school age—

- (a) is not enrolled with a State educational institution or a non-State school; or
- (b) is not attending the institution or school with which the child is enrolled, on every school day, for the educational program in which the child is enrolled.

‘(2) The officer may give a parent of the child a notice in the approved form about—

- (a) the obligation under section 114; and
- (b) the offence under section 118.

‘(3) The officer may also meet with the parent to discuss the matters mentioned in subsection (2)(a) and (b).

‘(4) If, despite the officer taking reasonable steps to meet with the parent under subsection (3), no meeting is held, the officer may give the parent a warning notice in the approved form.

‘(5) For the *Police Powers and Responsibilities Act 2000*, section 14,⁸ an authorised officer acting under this section is a public official performing a function authorised by this Act.

‘(6) In this section—

“**authorised officer**” means the chief executive or an officer of the department authorised by the chief executive for this section.’.

80 Amendment of s 118 (Penalty for noncompliance with compulsory education provisions)

(1) Section 118(1) and (2)—

omit, insert—

‘(1) A parent of a child of compulsory school age commits an offence if the parent contravenes section 114 without a reasonable excuse.

Maximum penalty—

- (a) for a first offence—5 penalty units; or
- (b) for a second or subsequent offence, whether or not relating to the same child of the parent—10 penalty units.

‘(2) Without limiting subsection (1), it is a reasonable excuse for a parent to contravene section 114 that—

- (a) the child lives with another parent and the first parent believes, on reasonable grounds, that the other parent is ensuring the enrolment and attendance required under section 114; or
- (b) in all the circumstances, the parent is not reasonably able to control the child’s behaviour to the extent necessary to comply with section 114; or

⁸ *Police Powers and Responsibilities Act 2000*, section 14 (Helping public officials exercise powers under other Acts)

- (c) the child has been excluded from the State educational institution or non-State school with which the child was enrolled and the non-compliance is or was only for the time reasonably required for the parent to arrange the child's enrolment with another institution or school.

(2A) Proceedings for the offence may be brought against a parent—

- (a) only by the chief executive or with the chief executive's consent; and
- (b) only if the time when the parent is alleged to have committed the offence is after—
- (i) the parent has been given a notice under section 117(2); and
- (ii) at least 1 meeting has been held with the parent under section 117(3) or the parent has been given a warning notice under section 117(4).'

(2) Section 118(3)(b)—

omit, insert—

- '(b) a statement in a complaint that a child was of compulsory school age at the time of the offence is evidence of the matter; and'.

(3) Section 118(3)(d), 'Minister'—

omit, insert—

'chief executive'.

(4) Section 118(3)(d), 'the age of compulsory attendance'—

omit, insert—

'compulsory school age'.

(5) Section 118(3)—

insert—

- (e) a signature purporting to be the signature of the chief executive or an authorised officer is evidence of the signature it purports to be; and
- (f) a certificate purporting to be signed by the chief executive and stating any of the following matters is evidence of the matter—
- (i) a stated document is a notice given under this Act;

- (ii) a stated document is a copy of a notice given under this Act;
- (iii) on a stated day, a stated person was given a stated notice under this Act;
- (iv) on a stated day, or during a stated period, an authorisation as an authorised officer was, or was not, in force for a stated person; and
- (g) a certificate, purporting to be signed by the chief executive, that the chief executive consents to the bringing of the proceeding is evidence of the consent.’.

(6) Section 118—

insert—

‘(4) In this section—

“authorised officer” see section 117(6).’.

81 Amendment of s 119 (Employment of children of school age)

(1) Section 119, heading, before ‘school’—

insert—

‘**compulsory**’.

(2) Section 119(1), ‘the age of compulsory attendance’—

omit, insert—

‘compulsory school age’.

(3) Section 119—

insert—

‘(4) Subsection (1) does not apply to the employment of a child under arrangements approved for the child under section 114A or 114B.

‘(5) Also, subsection (1) applies subject to a law of the Commonwealth under which a person of compulsory school age may be employed.’.

82 Amendment of s 123 (Calculation of allocation if s 122(1) does not apply)

Section 123(5), ‘a program of education or instruction’—

omit, insert—

‘an educational program’.

83 Insertion of new s 142B

Before section 143—

insert—

‘142B Grants to other entities

‘The Minister may give a grant to an entity for the purpose of—

- (a) helping children to achieve their best learning outcomes; or
- (b) promoting the re-engagement of children in education or training.’.

84 Insertion of new pt 11, div 4

Part 11, after division 3—

insert—

‘Division 4—Transitional provisions for Youth Participation in Education and Training Act 2003

‘166A Definitions for div 4

‘In this division—

“**commencement day**”, for a provision in this division, means the day the provision commences.

“**dispensation**” includes a provisional dispensation.

‘166B Existing dispensations

‘(1) This section applies to a dispensation granted by the Minister under section 115 that was in force immediately before the commencement day.

‘(2) The dispensation continues in force, as if it had been granted by the chief executive, until it expires or otherwise ends under this Act.

‘166C Existing applications for a dispensation

‘(1) This section applies to an application for a dispensation made to the Minister before the commencement day that, at the commencement day, had not been finally dealt with.

‘(2) The chief executive may continue to deal with the application as if it had been made to the chief executive.

‘166D Proceedings for an offence against s 118

‘(1) Section 118(2A) applies only to proceedings started on or after the commencement day.

‘(2) Section 118(3)(d), as in force immediately before the commencement day, continues to apply for a proceeding for an offence alleged to have been committed before the commencement day.’.

Division 3—Amendments commencing on 1 January 2006

85 Amendment of s 2 (Interpretation)

Section 2(1), definition “compulsory school age”—

omit, insert—

‘ “**compulsory school age**” see section 4A.’.

86 Insertion of new s 4A

After section 4—

insert—

‘4A Meaning of “compulsory school age”

‘(1) A child is of “**compulsory school age**” if the child is at least 6 years and less than 16 years.

‘(2) However, a child is no longer of compulsory school age if the child has completed year 10.’.

87 Amendment of s 114A (Flexible arrangements—non-State school)

(1) Section 114A(2)(d) and (e)—

omit.

(2) Section 114A—

insert—

‘(2A) However, the authorised entity must not approve the arrangements unless—

(a) if the student is of compulsory school age—

(i) a parent of the student has given written agreement to the arrangements; and

(ii) the entity has discussed the proposed arrangements with the student to the extent the entity considers appropriate, having regard to the student’s age and other relevant circumstances;
or

(b) if the student is in the compulsory participation phase—

(i) the student gives written agreement to the arrangements;
and

(ii) the entity has discussed the proposed arrangements with the student’s parents to the extent the entity considers is practicable and appropriate in the circumstances.’.

(3) Section 114A(3)(c), ‘(2)(d)’—

omit, insert—

‘(2A)’.

(4) Section 114A(4), ‘However, subsection (2)(d)’—

omit, insert—

‘Subsection (2A)(a)(i)’.

(5) Section 114A(5), definition “student”—

omit.

(6) Section 114A(5)—

insert—

‘ “**compulsory participation phase**” see the *Youth Participation in Education and Training Act 2003*, section 11.

“**student**” means a student who is of compulsory school age or in the compulsory participation phase.’

88 Amendment of s 114B (Flexible arrangements—State educational institution)

Section 114B(2), after ‘Section 114A(2),’—

insert—

‘(2A),’.

89 Amendment of s 115 (Dispensation from compliance with compulsory enrolment and attendance provisions)

Section 115(2)—

insert—

‘(d) that the child is, or has arranged to become, an apprentice or trainee under the *Vocational Education, Training and Employment Act 2000*;’.

90 Insertion of new s 116C

After section 116B—

insert—

‘116C Activities under Commonwealth law

‘Section 114(1) does not apply to the extent of any inconsistency with a law of the Commonwealth under which a person of compulsory school age may carry on an activity other than attending a State educational institution or non-State school.’.

91 Insertion of new s 166E

Part 11, division 4, after section 166D—

insert—

‘166E Compulsory school age

‘Despite section 4A, a child who was at least 15 years on 31 December 2005 is not of compulsory school age.’.

PART 8—AMENDMENT OF OTHER ACTS

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

92 Act amended in div 1

This division amends the *Education (Accreditation of Non-State Schools) Act 2001*.

93 Amendment of s 39 (Suitability of governing body)

(1) Section 39(2), ‘suitable to continue to be, or would be suitable’—

omit, insert—

‘not suitable to continue to be, or would not be suitable’.

(2) Section 39—

insert—

‘(4) Subsections (2) and (3) do not limit the matters to which the board may have regard in making a decision under subsection (1).’.

Division 2—Education (Queensland Studies Authority) Act 2002

94 Act amended in div 2

This division amends the *Education (Queensland Studies Authority) Act 2002*.

95 Amendment of s 3 (Objects of Act)

(1) Section 3(1)—

insert—

‘(d) to help achieve the objects of the *Youth Participation in Education and Training Act 2003*.’.

(2) Section 3(2)(b)—

insert—

‘(viii)the participation of young people in education and training;
and’.

96 Insertion of new s 14A

After section 14—

insert—

‘14A Participation functions

‘The authority has the following functions—

- (a) to keep a student account for each young person in the student account phase under the *Youth Participation in Education and Training Act 2003*, part 4;
- (b) to deal with the information recorded in the account in the way permitted or required by that part.’.

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

Part 2, division 4, heading, ‘*Tests*’—

omit, insert—

‘*Results, tests*’.

98 Insertion of new s 18A

Part 2, division 4, before section 19—

insert—

‘18A Provider must give information about results to authority

‘(1) A provider must give to the authority the result information prescribed under a regulation.

‘(2) The information must be given at the times, and in the ways, prescribed under a regulation.

‘(3) In this section—

“**provider**” means a provider for an eligible option under the *Youth Participation in Education and Training Act 2003*, section 12.

“**result information**” means—

- (a) the results of the assessment of a person for an area of learning that may be recorded on a certificate of achievement; and
- (b) qualifications conferred on the person; and
- (c) other related information including, for example, when the results were achieved or qualifications conferred.’.

Division 3—Education (Teacher Registration) Act 1988

99 Act amended in div 3

This division amends the *Education (Teacher Registration) Act 1988*.

100 Amendment of s 2 (Definitions)

(1) Section 2—

insert—

‘**“compulsory school age”** see the *Education (General Provisions) Act 1989*, section 2(1).’⁹.

(2) Section 2, definition “tertiary education”, ‘the age of compulsory attendance at school’—

omit, insert—

‘compulsory school age’.

Division 4—Freedom of Information Act 1992

101 Act amended in div 4

This division amends the *Freedom of Information Act 1992*.

102 Amendment of s 7 (Definitions)

Section 7—

insert—

‘**“education entity”** means—

- (a) the department in which the *Youth Participation in Education and Training Act 2003* is administered; or
- (b) the Queensland Studies Authority established under the *Education (Queensland Studies Authority) Act 2002*, section 6.’

⁹ *Education (General Provisions) Act 1989*, section 2(1)—

“**compulsory school age**” means at least 6 years and less than 15 years.

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

Section 11(1)—

insert—

‘(pb)an education entity, in relation to aggregated information under the *Youth Participation in Education and Training Act 2003*, section 46(6); or’.

SCHEDULE 1

AMENDMENT OF EDUCATION (GENERAL PROVISIONS) ACT 1989

section 65

- 1 Section 2, definition “cancel”, ‘the age of compulsory attendance’—**
omit, insert—
‘compulsory school age’.
- 2 Section 2, definition “preschool education”, ‘the age of compulsory attendance’—**
omit, insert—
‘compulsory school age’.
- 3 Section 3(4) and (5), ‘the age of compulsory attendance’—**
omit, insert—
‘compulsory school age’.
- 4 Section 15(1)(a) and (4), ‘the age of compulsory attendance’—**
omit, insert—
‘compulsory school age’.
- 5 Part 4, division 4, heading, ‘the age of compulsory attendance’—**
omit, insert—
‘*compulsory school age*’.

SCHEDULE 1 (continued)

- 6 Section 39, heading, ‘the age of compulsory attendance’—**
omit, insert—
‘compulsory school age’.
- 7 Section 39(1) and (2), ‘the age of compulsory attendance’—**
omit, insert—
‘compulsory school age’.
- 8 Section 40(1), ‘the age of compulsory attendance’—**
omit, insert—
‘compulsory school age’.
- 9 Section 116, ‘the age of compulsory attendance’—**
omit, insert—
‘compulsory school age’.
- 10 Section 127(1)(a), ‘the age of compulsory attendance’—**
omit, insert—
‘compulsory school age’.
- 11 Section 132(1)(a), ‘the age of compulsory attendance’—**
omit, insert—
‘compulsory school age’.
- 12 Section 167(1), ‘being of the age of compulsory attendance’—**
omit, insert—
‘of compulsory school age’.

SCHEDULE 2

DICTIONARY

section 9

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

“AQF” see the VETE Act, section 19.¹⁰

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

“authorised officer” see section 21(6).

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

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

“compulsory participation phase” see section 11.

“compulsory school age” see the EGP Act, section 4A.¹¹

Note—

See also the EGP Act, section 166E.

10 VETE Act, section 19—

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

11 *Education (General Provisions) Act 1989—*

4A Meaning of “compulsory school age”

(1) A child is of **“compulsory school age”** if the child is at least 6 years and less than 16 years.

(2) However, a child is no longer of compulsory school age if the child has completed year 10.

SCHEDULE 2 (continued)

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

“distance education” see the EGP Act, section 2(1).¹²

“educational program” includes—

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

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

“eligible option” see section 12.

“employment exemption” means an employment exemption in force under the VETE Act, chapter 5, part 3, division 5A.¹³

“external program” means—

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

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

12 EGP Act, section 2(1)—

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

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

SCHEDULE 2 (continued)

- (a) for an apprenticeship or traineeship under the VETE Act—section 18(2);
- (b) otherwise—section 15.

“guardian” means a person who is recognised in law as having all the duties, powers, responsibilities and authority that, by law, parents have in relation to their children.¹⁴

“human services” includes education, family support, health and housing.

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

“information” includes a document.

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

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

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

“non-university provider” see the *Higher Education (General Provisions) Act 1993*, section 3.

“notice” means written notice.

“original decision”, for part 3, division 3,¹⁵ see section 31.

“parent” includes a guardian.

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

- (a) for an apprenticeship or traineeship under the VETE Act—section 18(2);
- (b) otherwise—section 14.

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

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

SCHEDULE 2 (continued)

“planning activities” see section 7(a).

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

“provider”—

(a) generally—see section 12; and

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

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

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

“re-engagement activities” see section 7(b).

“registered teacher” means a person registered as a teacher under the *Education (Teacher Registration) Act 1988*.

“registered training organisation” see the VETE Act, section 14.

Note—

This includes an agricultural college. See the *Agricultural Colleges Act 1994*, section 3.

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

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

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

“State school” means a State school within the meaning of the EGP Act.

“student account” see section 37(1).

“student account phase” see section 41.

“TAFE institute” see the VETE Act, section 191.

“university” see the *Higher Education (General Provisions) Act 1993*, section 3.

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

SCHEDULE 2 (continued)

“VETE chief executive” means the chief executive of the VETE department.

“VETE department” means the department in which the VETE Act is administered.

ATTACHMENT

section 5

**MINISTERIAL DECLARATION ‘STEPPING
FORWARD: IMPROVING PATHWAYS FOR ALL
YOUNG PEOPLE’****A COMMITMENT TO THE YOUNG PEOPLE OF
AUSTRALIA BY MINISTERS FOR EDUCATION,
EMPLOYMENT, TRAINING, YOUTH AFFAIRS AND
COMMUNITY SERVICES**

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

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

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

As Ministers entrusted with the collective wellbeing and interests of young people, we must foster an environment in which young people are nurtured and challenged—a society where all young people can realise their full potential. We must work together to support young Australians to achieve success as individuals and as members of society. We need to act collectively and we need to act now.

ATTACHMENT (continued)**VISION**

Our vision is of an Australia where:

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

CHALLENGE

Our challenge is to:

- listen and respond to young people
- work creatively in partnership with young people to build comprehensive networks that draw together jurisdictions, government departments, families and communities so that united we can address the complex issues confronting young people
- recognise and address structural barriers faced by young people
- ensure that our governmental systems recognise the diversity of young people through being inclusive, flexible and adaptive
- create effective opportunities for young people that are accessible, integrated and meaningful
- encourage young people to take increasing responsibility for their own lives, support their peers and contribute to their community

ATTACHMENT (continued)

- ensure that young people have the information, skills and support needed to negotiate the transition to adult life and to make informed life decisions.

OUR DECLARATION

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

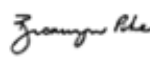
Australia's Ministers for Education, Employment, Training, Youth Affairs and Community Services



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



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



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



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



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



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



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



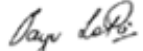
Senator Armanda
Vanstone
Minister for Family and
Community
Services (Cwth)



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



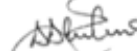
The Hon. John Watkins
MP
Minister for Education
and Training (NSW)



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

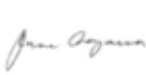


The Hon. Clare Martin
MLA
Chief Minister,
Minister for
Young Territorians
(NT)



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

ATTACHMENT (continued)



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



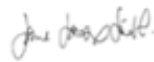
The Hon. Anna Bligh MP
Minister for Education
(QLD)



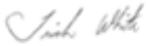
The Hon. Judy Spence MP
Minister for Families (QLD)



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



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



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



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



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




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



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



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



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



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