



Queensland

# **Education Legislation Amendment Act 2012**

**Act No. 35 of 2012**





Contents

---

	419G	Review of decision to refuse to grant an application . . . . .	10
	419H	Status of children registered in programs. . . . .	11
15		Amendment of s 426 (Confidentiality) . . . . .	11
16		Amendment of s 428 (Collection of demographic information). . . . .	11
17		Insertion of new ch 20, pt 5 . . . . .	12
	Part 5	Transitional provision for Education Legislation Amendment Act 2012	
	512	Final notice for written submission under s 314 . . . . .	12
18		Amendment of sch 4 (Dictionary) . . . . .	13
<b>Part 4</b>		<b>Amendment of Education (Queensland College of Teachers) Act 2005</b>	
19		Act amended . . . . .	13
20		Amendment of s 230 (College's functions about registration and permission to teach). . . . .	13
21		Replacement of s 235 (Professional standards). . . . .	14
	235	Professional standards. . . . .	14
22		Insertion of new ch 12, pt 14 . . . . .	15
	Part 14	Transitional provision for Education Legislation Amendment Act 2012	
	353	Existing standards continue in force. . . . .	15
23		Amendment of sch 3 (Dictionary) . . . . .	16



Queensland

## **Education Legislation Amendment Act 2012**

**Act No. 35 of 2012**

---

**An Act to amend the Education and Training Legislation Amendment Act 2011, the Education (General Provisions) Act 2006 and the Education (Queensland College of Teachers) Act 2005 for particular purposes**

**[Assented to 22 November 2012]**

[s 1]

---

**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Education Legislation Amendment Act 2012*.

## **Part 2 Amendment of Education and Training Legislation Amendment Act 2011**

### **2 Act amended**

This part amends the *Education and Training Legislation Amendment Act 2011*.

### **3 Amendment of s 9 (Insertion of new s 365A)**

(1) Section 9, inserted section 365A(1)(b)—

*omit, insert—*

‘(b) a pre-preparatory age child registered in—

(i) a pre-preparatory learning program at the school;  
or

(ii) a distance education pre-preparatory learning program at the school;’.

(2) Section 9, inserted section 365A—

*insert—*

‘(10) To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person omits to do an act required under this section.’.

*Editor’s note—*

Subsections (1) to (2), legislation ultimately amended—

- *Education (General Provisions) Act 2006*

#### **4 Amendment of s 11 (Insertion of new ss 366A and 366B)**

Section 11, inserted section 366A—

*insert—*

‘(9) To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person omits to do an act required under this section.’.

*Editor’s note—*

Legislation ultimately amended—

- *Education (General Provisions) Act 2006*

## **Part 3 Amendment of Education (General Provisions) Act 2006**

### **5 Act amended**

This part amends the *Education (General Provisions) Act 2006*.

### **6 Amendment of s 50 (State education to be free)**

Section 50(1)(b)—

*omit, insert—*

[s 7]

---

‘(b) a person who is a pre-preparatory age child registered in—

- (i) a pre-preparatory learning program at a prescribed State school; or
- (ii) a distance education pre-preparatory learning program at a State school;’.

**7 Amendment of s 288F (Exclusion of student by principal)**

Section 288F(3)—

*insert—*

‘(f) if the student is excluded from the school permanently—that the student may make a periodic written submission to the chief executive under division 6.’.

**8 Amendment of s 293 (Exclusion of student by principal’s supervisor)**

Section 293(3)—

*insert—*

‘(e) if the student is excluded from the school or schools permanently—that the student may make a periodic written submission to the chief executive under division 6.’.

**9 Amendment of s 302 (Exclusion of student by chief executive)**

Section 302(3)—

*insert—*

‘(f) if the student is excluded from the school or schools permanently—that the student may make a periodic written submission to the chief executive under division 6.’.



---

**10 Omission of s 314 (Periodic review of decision to exclude permanently on ground mentioned in s 288B, 289 or 298—person under 17 years)**

Section 314—

*omit.*

**11 Amendment of s 315 (Periodic review of decision to exclude permanently on ground mentioned in s 288B, 289 or 298—person aged from 17 to 24 years)**

(1) Section 315, heading, ‘aged from 17 to’—

*omit, insert—*

**‘under’.**

(2) Section 315(1)—

*omit, insert—*

‘(1) This section applies to a person under 24 years who is excluded permanently—

(a) from a State school at which the person was enrolled immediately before the exclusion on a ground mentioned in—

(i) section 288B(1) or (2); or

(ii) section 289(1) or (2); or

(iii) section 298; or

(b) from certain State schools on a ground mentioned in—

(i) section 289(1); or

(ii) section 298; or

(c) from all State schools on a ground mentioned in section 298.’.

**12 Amendment of s 365 (Obligation to report sexual abuse of person under 18 years at State school)**

Section 365(1)(b)—

[s 13]

---

*omit, insert—*

- ‘(b) a pre-preparatory age child registered in—
- (i) a pre-preparatory learning program at the school;  
or
  - (ii) a distance education pre-preparatory learning program at the school;’.

**13 Amendment of s 368 (Provision of scholarships and payment of allowances)**

Section 368(1)—

*insert—*

- ‘(f) pay an allowance or subsidy to a person to offset the person’s costs in participating in a distance education pre-preparatory learning program under chapter 19, part 1A.

*Example of costs that may be offset for paragraph (f)—*  
computer hardware, internet or phone expenses’.

**14 Insertion of new ch 19, pt 1A**

Chapter 19—

*insert—*

**‘Part 1A Distance education pre-preparatory learning program**

**‘419E Distance education pre-preparatory learning program**

‘The Minister may approve a program focused on literacy and numeracy, for preparing a child for education in the preparatory year, to be a distance education pre-preparatory learning program for a State school providing distance education.

---

### **‘419F Registration in programs**

- ‘(1) A parent of a pre-preparatory age child may apply to register the child in a distance education pre-preparatory learning program provided by a State school.
- ‘(2) The application must be made, in the approved form, to the principal of the school.
- ‘(3) The principal may grant the application if satisfied—
  - (a) the child is—
    - (i) an Australian citizen or permanent resident; or
    - (ii) a child of an Australian citizen or permanent resident; and
  - (b) the child—
    - (i) lives, in the child’s principal place of residence, at least 16km by the most direct route by road from the nearest centre-based service catering to pre-preparatory aged children; or
    - (ii) has a medical certificate stating that the child is unable to attend a centre-based service for more than 10 consecutive weeks due to the child’s state of health; or
    - (iii) has an itinerant lifestyle.
- ‘(4) For subsection (3)(b)(iii), the child has an itinerant lifestyle only if, because of the nature of the occupation of a parent of the child—
  - (a) the child’s principal place of residence is likely to change at least twice during the registration year; or
  - (b) the child will have to spend a period of at least 10 weeks, or a number of periods of at least 2 weeks that total at least 10 weeks, away from the child’s principal place of residence during the registration year.

*Example of an occupation for subsection (4)—*

carnival worker, contract harvester or shearer

[s 14]

---

- ‘(5) The principal must give the applicant a notice of the principal’s decision to grant or refuse to grant the application.
- ‘(6) If the decision is to refuse to grant the application, the notice must include the principal’s reasons for the decision.
- ‘(7) In this section—

*centre-based service* means an education and care service other than a family day care service.

*education and care service* see the Education and Care Services National Law (Queensland), section 5(1).

*family day care service* see the Education and Care Services National Law (Queensland), section 5(1).

*medical certificate* means a certificate signed by—

- (a) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession other than as a student; or
- (b) a medical practitioner.

*permanent resident* means the holder of a permanent visa as defined by the *Migration Act 1958* (Cwlth), section 30(1).

*pre-preparatory age child* means a child who will be at least 4 years and 6 months on 31 December in the child’s registration year.

*registration year*, for a child, means the year proposed for the child’s registration in a distance education pre-preparatory learning program.

#### ‘419G Review of decision to refuse to grant an application

- ‘(1) This section applies if a decision is made under section 419F to refuse to grant an application for registration.
- ‘(2) The applicant may apply to the chief executive, within 21 days after notice of the decision is given to the applicant under section 419F(5), for a review of the decision.
- ‘(3) The application must state fully the grounds for the submission and the facts relied on.

- 
- ‘(4) After reviewing the decision, the chief executive must decide to—
- (a) confirm the decision; or
  - (b) set aside the decision and grant the application.
- ‘(5) The chief executive must as soon as practicable give a notice to the applicant about the chief executive’s decision and the reasons for the decision.

#### **‘419H Status of children registered in programs**

‘A child registered in a distance education pre-preparatory learning program provided by a school is not, for this Act—

- (a) a student of the school; or
- (b) enrolled at the school; or
- (c) enrolled in a program of distance education at the school.’.

#### **15 Amendment of s 426 (Confidentiality)**

Section 426(1)(b)(ii)—

*insert—*

- ‘(C) who is or has been registered in a distance education pre-preparatory learning program; or
- (D) for whom an application for registration has been made under section 419F; or’.

#### **16 Amendment of s 428 (Collection of demographic information)**

Section 428(1)(b)—

*omit, insert—*

- ‘(b) a pre-preparatory age child registered in—

[s 17]

---

- (i) a pre-preparatory learning program at a State school; or
- (ii) a distance education pre-preparatory learning program;’.

## 17 Insertion of new ch 20, pt 5

Chapter 20—

*insert—*

### ‘Part 5 Transitional provision for Education Legislation Amendment Act 2012

#### ‘512 Final notice for written submission under s 314

- ‘(1) This section applies to a person who immediately before the commencement of this section (the *commencement*) was entitled to receive a notice under section 314(2) at a time after the commencement.
- ‘(2) The chief executive must, as soon as practicable, but within 6 months after the commencement, give the person a notice (the *final notice*) stating the following—
  - (a) that the person will not receive any further notices under section 314;
  - (b) that the person may make a periodic written submission to the chief executive under chapter 12, part 3, division 6.
- ‘(3) If the person received a notice under section 314(2) before the commencement and the time for the person to make a submission (the *submission period*) had not ended before the commencement—
  - (a) the person may make a written submission within the submission period; and

- (b) the submission is taken to have been made, and must be dealt with, under section 315.
- ‘(4) If a submission about whether the person’s exclusion should be revoked was made to the chief executive under section 314(5), but, before the commencement, the chief executive had not made a decision about the submission, the submission—
- (a) is taken to have been made under section 315; and
- (b) must be dealt with under section 315.’.

**18 Amendment of sch 4 (Dictionary)**

Schedule 4—

*insert—*

*‘distance education pre-preparatory learning program means a program approved under section 419E.’.*

**Part 4 Amendment of Education  
(Queensland College of  
Teachers) Act 2005**

**19 Act amended**

This part amends the *Education (Queensland College of Teachers) Act 2005*.

**20 Amendment of s 230 (College’s functions about registration and permission to teach)**

Section 230(i), ‘developing and applying’—

*omit, insert—*

‘developing or adopting, and applying.’.

[s 21]

---

## **21 Replacement of s 235 (Professional standards)**

Section 235—

*omit, insert—*

### **‘235 Professional standards**

- ‘(1) The college must—
- (a) adopt the national professional standards; or
  - (b) with the approval of the Minister, adopt or develop standards other than the national professional standards.
- ‘(2) The college may amend standards it has adopted or developed under subsection (1)(b).
- ‘(3) When acting under subsection (1) or (2), the college—
- (a) must consult with the chief executive and the representative entities; and
  - (b) may consult with other entities it considers appropriate.
- ‘(4) The purpose of the professional standards is to detail the abilities, experience, knowledge or skills expected of teachers to help the college decide—
- (a) whether to approve a preservice teacher education program; and
  - (b) whether an applicant for provisional or full registration, or an applicant for the renewal of full registration, meets the professional practice requirements.
- ‘(5) The professional standards may provide for all or any of the following matters—
- (a) the abilities, knowledge and skills required for provisional registration;
  - (b) the abilities, experience, knowledge and skills required for full registration;
  - (c) the abilities, experience, knowledge and skills required for renewal of full registration.



- 
- ‘(6) If the professional standards are inconsistent with a requirement under this Act, the standards are invalid to the extent of the inconsistency.
- ‘(7) The college must—
- (a) make the professional standards available for inspection on its internet site; and
- Editor’s note—*
- The college’s internet site is located at <www.qct.edu.au>.
- (b) ensure copies of the professional standards, and each document applied, adopted or incorporated by the standards, are kept available for inspection, free of charge, at the office.
- ‘(8) In this section—
- national professional standards* means the national professional standards prescribed under a regulation.’.

## **22 Insertion of new ch 12, pt 14**

After chapter 12, part 13—

*insert—*

## **‘Part 14 Transitional provision for Education Legislation Amendment Act 2012**

### **‘353 Existing standards continue in force**

- ‘(1) This section applies to the professional standards developed by the college and in force immediately before the commencement of this section.
- ‘(2) The professional standards mentioned in subsection (1) continue in force until the college adopts or develops professional standards under section 235(1)(a) or (b).’.

[s 23]

---

## **23 Amendment of sch 3 (Dictionary)**

Schedule 3, definition *professional standards*—  
*omit, insert—*

*‘professional standards* means the standards adopted or developed under section 235(1)(a) or (b).’.

© State of Queensland 2012