

Queensland



Subordinate Legislation 2004 No. 19

Education (Accreditation of Non-State Schools) Act 2001
Education (General Provisions) Act 1989

EDUCATION LEGISLATION AMENDMENT REGULATION (No. 1) 2004

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Education Legislation Amendment Regulation (No. 1) 2004*.

2 Commencement

This regulation commences on 19 April 2004.

PART 2—AMENDMENT OF EDUCATION (GENERAL PROVISIONS) REGULATION 2000

3 Regulation amended in pt 2

This part amends the *Education (General Provisions) Regulation 2000*.

4 Insertion of new s 76AA

After section 76—

insert—

‘76AA Report about sexual abuse—Act, ss 146A and 146B

‘A report under section 146A or 146B¹ of the Act must include the following particulars—

- (a) the name of the person giving the report (the “**first person**”);
- (b) the student’s name and sex;
- (c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by an employee of the school;

1 Section 146A (Obligation to report sexual abuse of student under 18 years attending State school) or 146B (Obligation to report sexual abuse of student under 18 years attending non-State school) of the Act

- (d) details of the abuse or suspected abuse;
- (e) any of the following information of which the first person is aware—
 - (i) the student's age;
 - (ii) the identity of the employee who has abused, or is suspected to have abused, the student;
 - (iii) the identity of anyone else who may have information about the abuse or suspected abuse.²

PART 3—AMENDMENT OF EDUCATION (ACCREDITATION OF NON-STATE SCHOOLS) REGULATION 2001

5 Regulation amended in pt 3

This part amends the *Education (Accreditation of Non-State Schools) Regulation 2001*.

6 Amendment of s 10 (Health, safety and conduct of staff and students)

Section 10(5)(a) and (b)—

omit, insert—

- '(a) a process for reporting sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 1989*, section 146B;²
- (b) a process for—
 - (i) the reporting by a staff member, to the school's principal or another person nominated in the process, of harm that—

² *Education (General Provisions) Act 1989*, section 146B (Obligation to report sexual abuse of student under 18 years attending non-State school)

- (A) the staff member is aware or reasonably suspects has been caused to a student who, when the harm was caused or is suspected to have been caused, was under 18 years; and
 - (B) is not harm to which the process mentioned in paragraph (a) applies; and
 - (ii) the reporting by the principal or other person, to a relevant State authority, of the harm or suspected harm if the principal or other person also is aware or reasonably suspects the harm has been caused.’.
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ENDNOTES

1. Made by the Governor in Council on 18 March 2004.
2. Notified in the gazette on 19 March 2004.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Education.