

Queensland



**GRAMMAR SCHOOLS AND  
OTHER LEGISLATION  
AMENDMENT BILL 2003**



# Queensland



## GRAMMAR SCHOOLS AND OTHER LEGISLATION AMENDMENT BILL 2003

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**2003**

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**A BILL**

**FOR**

**An Act to amend the *Grammar Schools Act 1975*, and for other purposes**

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**The Parliament of Queensland enacts—** 1

**PART 1—PRELIMINARY** 2

**Clause 1 Short title** 3

This Act may be cited as the *Grammar Schools and Other Legislation Amendment Act 2003*. 4  
5

**Clause 2 Commencement** 6

(1) Part 4 is taken to have commenced on 1 July 2002. 7

(2) The remaining provisions of this Act commence on a day to be fixed by proclamation. 8  
9

**PART 2—AMENDMENT OF GRAMMAR SCHOOLS  
ACT 1975** 10  
11

**Clause 3 Act amended in pt 2 and schedule** 12

This part and the schedule amend the *Grammar Schools Act 1975*. 13

**Clause 4 Amendment of title** 14

Title, ‘**public**’— 15

*omit.* 16

**Clause 5 Amendment, renumbering and relocation of s 5 (Interpretation)** 17

(1) Section 5, heading— 18

*omit, insert—* 19

‘**5 Donation of property other than money**’. 20



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(2) Section 5(1), definition “school”—	1
<i>omit.</i>	2
(3) Section 5(1)—	3
<i>insert—</i>	4
‘ <b>“accreditation Act”</b> means the <i>Education (Accreditation of Non-State Schools) Act 2001</i> .	5 6
<b>“convicted”</b> means found guilty, or having a plea of guilty accepted by a court, whether or not a conviction is recorded.	7 8
<b>“electoral eligibility amount”</b> , for a board, means—	9
(a) if a by-law is in force prescribing an electoral eligibility amount for the board—that amount; or	10 11
(b) otherwise—the amount prescribed under a regulation under section 51(3)(a)(ii).	12 13
<b>“grammar school”</b> means, subject to section 6(3), a school established under this Act.	14 15
<i>Note—</i>	16
As well as any schools established under part 1A, this includes the schools originally established under an Act repealed by this Act. See section 53.	17 18
<b>“interested parents”</b> see section 46I.	19
<b>“non-grammar school”</b> means—	20
(a) a State school within the meaning of the <i>Education (General Provisions) Act 1989</i> , section 2(1); or	21 22
(b) a non-State school within the meaning of the accreditation Act, section 6, that is not a grammar school.	23 24
<b>“submission”</b> means a written submission.’.	25
(4) Section 5(1), definition “chairperson”, ‘duties’—	26
<i>omit, insert—</i>	27
‘functions’.	28
(5) Section 5(1), definitions—	29
<i>relocate</i> to the schedule inserted by section 25.	30

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(6) Section 5(1), words other than the definitions—	1
<i>omit.</i>	2
(7) Section 5, as amended by this section—	3
<i>renumber</i> and <i>relocate</i> to part 4 as section 46W.	4
<b>Clause 6 Insertion of new ss 2–5</b>	5
After section 1—	6
<i>insert—</i>	7
<b>‘2 Definitions</b>	8
‘The dictionary in the schedule defines particular words used in this Act.	9
<b>‘3 Notes</b>	10
‘A note in the text of this Act is part of the Act.	11
<b>‘4 Act binds all persons</b>	12
‘(1) This Act binds all persons including the State and, so far as the legislative power of the Parliament permits, the Commonwealth and the other States.	13 14 15
‘(2) Subsection (1) does not make the State, the Commonwealth or another State liable to be prosecuted for an offence.	16 17
<b>‘5 Purpose and explanation</b>	18
‘(1) The purpose of this Act is to maintain public confidence in grammar schools.	19 20
‘(2) To achieve the purpose, this Act regulates the establishment and governance of grammar schools.	21 22
‘(3) The matters mentioned in subsection (2) are also regulated under other legislation including, in particular, the accreditation Act.	23 24
<i>Note—</i>	25
A grammar school is a non-State school under the accreditation Act.’.	26

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<b>Clause</b>	<b>7</b>	<b>Replacement of s 6 (Establishment of new public grammar schools)</b>	1 2
		Section 6—	3
		<i>omit, insert—</i>	4
		<b>‘PART 1A—ESTABLISHMENT OF GRAMMAR SCHOOLS</b>	5 6
		<b>‘6 Establishment generally</b>	7
		‘(1) A grammar school may be established—	8
		(a) with the Minister’s approval under section 6A; or	9
		(b) on the Minister’s initiative under section 6B.	10
		‘(2) An existing non-grammar school may be established as a grammar school under this part.	11 12
		‘(3) A school established under this part is not a grammar school unless or until its name is included in a regulation under section 49. <sup>1</sup>	13 14
		<b>‘6A Establishment with Minister’s approval</b>	15
		‘(1) An entity may apply to the Minister for approval to establish a grammar school.	16 17
		‘(2) The application must include details of the proposed school.	18
		‘(3) The Minister may ask the applicant for further information or documents the Minister reasonably requires to decide whether to give the approval.	19 20 21
		‘(4) The Minister may give the approval only if satisfied—	22
		(a) there is a demonstrated need for a grammar school in the proposed location; and	23 24
		(b) there is enough community support for a grammar school in the proposed location; and	25 26

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1 Section 49 (Regulation listing current grammar schools)

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- (c) the approval would be appropriate, having regard to the likely financial implications for the State of the proposed school's establishment and ongoing operation; and
1  
2  
3
- (d) the proposed school will not require financial support from the State for its establishment or ongoing operation in excess of that given to other grammar schools at comparable stages of development; and
4  
5  
6  
7
- (e) establishment of the school is compatible with announced government policy about education; and
8  
9
- (f) the persons proposing to establish the school have a sufficient understanding of the way the governance of a grammar school is regulated by this Act, the *Financial Administration and Audit Act 1977* and other laws.
10  
11  
12  
13

*Note—*

Under paragraphs (a) and (b), the Minister must be satisfied of the need and support for a grammar school as opposed to another type of non-State school.
14  
15  
16

**‘6B Establishment on Minister’s initiative** 17

- ‘(1) The Minister may establish a grammar school.
18
- ‘(2) The Minister must first publish a notice in a newspaper circulating in the area in which it is proposed the school will be located and in a newspaper circulating generally in the State—
19  
20  
21
- (a) stating the details of the proposal to establish the school; and
22
- (b) inviting submissions from the public about the proposal; and
23
- (c) stating the day, not earlier than 28 days after the day of publication, by which submissions must be given to the Minister.
24  
25
- ‘(3) The Minister must also give to each grammar school a notice—
26
- (a) stating the details of the proposal to establish the school; and
27
- (b) inviting submissions from the school about the proposal; and
28
- (c) stating the day, not earlier than 28 days after the day the notice is given to the school, by which submissions must be given to the Minister.
29  
30  
31
- ‘(4) The Minister must not establish the school unless the Minister is satisfied about the matters stated in section 6A(4)(a) to (e).
32  
33

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‘(5) The Minister must consider each submission given to the Minister 1  
by the due day stated in the relevant notice, so far as the submission is 2  
relevant to a matter stated in section 6A(4)(a) to (e).’ 3

**Clause 8 Amendment of s 7 (Constitution) 4**

(1) Section 7(1), ‘every school’— 5

*omit, insert—* 6

‘every grammar school’. 7

(2) Section 7(4)(b), from ‘who’ to ‘least,’— 8

*omit.* 9

(3) Section 7(4A)— 10

*omit, insert—* 11

‘(4A) Subsection (4) applies subject to sections 8 and 11. 12

‘(4B) If a board is constituted, the Minister must consult with the board 13  
before nominating a person for appointment to the board under 14  
subsection (4)(a). 15

‘(4C) The Minister must not nominate a person for appointment to the 16  
board under subsection (4)(a) unless the Minister is satisfied the person has 17  
a sufficient understanding, or the ability to rapidly acquire a sufficient 18  
understanding, of the way the governance of a grammar school is regulated 19  
by this Act, the *Financial Administration and Audit Act 1977* and other 20  
laws. 21

‘(4D) A person is eligible for election under subsection (4)(b), or to vote 22  
in an election under subsection (4)(b), only if the person has donated or 23  
subscribed to the school at least the electoral eligibility amount.’. 24

**Clause 9 Replacement of ss 8 and 9 25**

Sections 8 and 9— 26

*omit, insert—* 27

**8 First appointment of board 28**

‘(1) This section applies if— 29

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- (a) approval is given under section 6A for the establishment of a grammar school; or 1  
2
- (b) the Minister decides under section 6B to establish a grammar school. 3  
4
- ‘(2) The following apply to the first appointment of a board for the school under section 7— 5  
6
- (a) despite section 7(4)(a) and (b), all of the appointees are to be nominated by the Minister; 7  
8
- (b) the Minister’s nomination must identify 3 of the persons (the “**deemed elected persons**”) as being nominated for appointment only until the process can be completed under this section for appointing persons after an election; 9  
10  
11  
12
- (c) the notification under section 7(4) must state which of the appointees are the deemed elected persons. 13  
14
- ‘(3) The board must conduct an election, in the prescribed way, for 3 persons to be appointed to the board (the “**first election**”). 15  
16
- ‘(4) The first election must be conducted no earlier than 6 months, and no later than 9 months, after the first appointment of the board. 17  
18
- ‘(5) The deemed elected persons hold office as members only until the appointment under section 7(4) of the persons elected at the first election. 19  
20
- ‘(6) The persons appointed to the board after election at the first election hold office for the remainder of a term of 4 years starting on the first appointment of the board. 21  
22  
23
- ‘(7) A person is not ineligible for election at the first election only because the person is a deemed elected person. 24  
25
- ‘9 Disqualification from membership of a board 26**
- ‘(1) A person can not become, or continue as, a member of a board if the person— 27  
28
- (a) is, or has been, convicted of an indictable offence; or 29
- (b) is an insolvent under administration. 30
- ‘(2) However, if the Minister considers it would be reasonable, having regard to the circumstances of the indictable offence of which a person has 31  
32

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- been convicted or the circumstances because of which a person is an insolvent under administration, the Minister may—
- (a) if the person was a member of a board when the person was convicted or became an insolvent under administration—give notice to the chairperson of the board and the person that the person is restored as a member, and may be later reappointed, despite the conviction or being an insolvent under administration; or
  - (b) otherwise—give written approval for the person to become a member of a board despite the conviction or being an insolvent under administration.
- ‘(3) On the day the chairperson receives a notice under subsection (2)(a)—
- (a) the person is restored as a member of the board; and
  - (b) if another person has been appointed to fill the vacancy, the other person’s appointment ends.
- ‘(4) Subsection (3) does not apply if the person’s term of office has since ended.
- ‘(5) If a person is restored as a member under subsection (3), the person’s term of office as a member ends when it would have ended if the person had not been convicted of the offence or become an insolvent under administration.
- ‘(6) In this section—
- “**indictable offence**” includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659,<sup>2</sup> applies to the indictable offence.
- “**insolvent under administration**” has the same meaning as in the Corporations Act, section 9.’.

- Clause 10 Amendment of s 10 (Tenure of office)**
- (1) Section 10(1A) to (4)—
- renumber* as section 10(4), (5), (6) and (8).

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2 Criminal Code, section 659 (Effect of summary conviction for indictable offences)

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(2) Section 10—

*insert—*

‘(2) A person is ineligible for appointment as a member under section 7(4)(b) (an “**elected member**”) if the person has already served as an elected member for the prescribed maximum number of terms.

‘(3) However, an elected member may continue to hold office under subsection (1) until the member’s successor is appointed even if the member has already served as an elected member for the prescribed maximum number of terms.’.

(3) Section 10(6)(f), as renumbered—

*renumber* as section 10(6)(g).

(4) Section 10(6), as renumbered—

*insert—*

‘(f) is a person who, under section 9, can not continue as a member; or’.

(5) Section 10—

*insert—*

‘(7) A member’s resignation takes effect when the notice under subsection (6)(c) is given to the Minister or, if a later time is stated in the notice, at the later time.’.

**Clause 11 Amendment of s 11 (Casual vacancies)**

(1) Section 11(1) and (1A)—

*omit, insert—*

‘(1) This section applies to the appointment of a person under section 7 to fill a casual vacancy in the office of a member of a board.’.

(2) Section 11(1B), ‘In the’—

*omit, insert—*

‘Despite section 7(4)(b), in the’.



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(3) Section 11(1B), ‘the prescribed amount at the least’— 1  
*omit, insert—* 2  
‘at least the electoral eligibility amount for the board’. 3

**Clause 12 Amendment of s 12 (Failure to elect)** 4

Section 12, ‘or appointed’— 5  
*omit.* 6

**Clause 13 Insertion of new s 15A** 7

After section 15— 8  
*insert—* 9

**‘15A By-law making power** 10

‘(1) A board may make by-laws about elections under this Act, including 11  
by-laws about— 12

(a) an electoral eligibility amount for the board; and 13

(b) when an election is held; and 14

(c) a maximum number of terms for which a person may be elected 15  
under section 7(4)(b). 16

‘(2) A by-law has effect only if it is consistent with this Act, including a 17  
regulation in force under this Act. 18

‘(3) Without limiting subsection (2), a provision of a by-law mentioned 19  
in subsection (1)(a) is of no effect unless it complies with a regulation 20  
about the minimum or maximum amount that may be set as an electoral 21  
eligibility amount for the board. 22

‘(4) A by-law is not subordinate legislation.’. 23

**Clause 14 Amendment of s 44 (Register of donors and subscribers)** 24

Section 44— 25  
*insert—* 26

‘(4) The register may indicate which of the persons are eligible persons. 27

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‘(5) If the register does not indicate which of the persons are eligible persons—	1 2
(a) the board must also keep a register of eligible persons; and	3
(b) subsections (1) to (3) apply to the register of eligible persons as if a reference in those subsections to donors or subscribers were a reference to eligible persons.	4 5 6
‘(6) In this section—	7
“eligible person” means a person who has donated or subscribed at least the electoral eligibility amount for the board.’.	8 9
<b>Clause 15 Omission of s 46 (Rules applicable to election of members)</b>	10
Section 46—	11
<i>omit.</i>	12
<b>Clause 16 Insertion of new pt 3, div 5</b>	13
Part 3, after division 4—	14
<i>insert—</i>	15
<b><i>‘Division 5—Interaction with the Minister</i></b>	16
<b>‘46A Board must notify the Minister about matters of concern</b>	17
‘A board must give a written notice to the Minister immediately after becoming aware of a matter that raises a significant concern about the school’s financial viability.	18 19 20
<i>Examples of matters that may raise a significant concern about the school’s financial viability—</i>	21 22
• a proceeding started against the school that may result in payment of a significant amount of damages or legal costs	23 24
• a significant decrease in enrolments at the school.	25
<b>‘46B Minister may require information or documents</b>	26
‘(1) The Minister may give to a board a written notice requiring the board, within a stated reasonable time and in a stated reasonable way, to—	27 28

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(a) give to the Minister relevant information in the board’s knowledge about a stated matter; or	1 2
(b) give to the Minister, or make available for inspection by the Minister, a relevant document about a stated matter in the board’s possession or control.	3 4 5
‘(2) The board must comply with the requirement.	6
‘(3) If a document is given to the Minister, the Minister may keep the document to copy it and must return the document to the board as soon as practicable after copying it.	7 8 9
‘(4) The Minister may disclose the information, or give the document or a copy of the document, to an entity the Minister considers appropriate in order to help the Minister to assess—	10 11 12
(a) the school’s financial viability; or	13
(b) the way amounts provided to the board by the State are being used; or	14 15
(c) another matter relevant to the way the board is carrying out its functions.	16 17
‘(5) Unless the Minister is satisfied there are exceptional circumstances, the Minister must consult with a board, about the information or documents that may be sought by the Minister, before giving the board a notice under this section.	18 19 20 21
‘(6) In this section—	22
“ <b>relevant</b> ”, in relation to information or a document, means relating to the board’s powers or functions under this Act.	23 24
<b>‘46C Minister may give a direction</b>	25
‘(1) The Minister may give to a board a written direction about a matter relevant to its functions if the Minister is satisfied it is necessary to give the direction in the interests of the school to ensure the school’s financial viability.	26 27 28 29
<i>Example of a direction—</i>	30
The Minister directs a board to engage an external person to provide expert advice to the board about stated matters that may affect the school’s financial viability.	31 32
‘(2) The board must comply with the direction.	33

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‘(3) The board must include a copy of each direction given to it during a financial year in its annual report for the year under the <i>Financial Administration and Audit Act 1977</i> .	1 2 3
‘(4) Unless the Minister is satisfied there are exceptional circumstances, the Minister must advise a board that the Minister proposes to give the board a direction, and consult with the board about the matters proposed to be dealt with in the direction, before giving the direction.’.	4 5 6 7
<b>Clause 17 Insertion of new pt 3A</b>	8
After part 3—	9
<i>insert—</i>	10
<b>‘PART 3A—APPOINTMENT OF AN ADMINISTRATOR</b>	11
<i>‘Division 1—Appointment</i>	12
<b>‘46D Appointment</b>	13
‘The Minister may, by gazette notice, appoint a person as administrator of a board.	14 15
<b>‘46E Basis for appointment</b>	16
‘The Minister may make the appointment only if—	17
(a) the board asks the Minister to make the appointment; or	18
(b) the board is given a show cause notice under the accreditation Act, section 64; or	19 20
(c) the Minister reasonably believes the school is no longer financially viable or is in danger of becoming financially non-viable.	21 22 23
<b>‘46F Notice of proposed appointment</b>	24
‘(1) Before making the appointment, the Minister—	25
(a) must give the board a written notice stating—	26

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- (i) that the Minister proposes to appoint a person as administrator of the board; and 1  
2
- (ii) the reasons for the proposed appointment; and 3
- (iii) that the board may, within a stated time of at least 14 days, give the Minister a written response to the proposed appointment; and 4  
5  
6
- (b) must consider any written response received from the board within the time stated in the notice. 7  
8
- ‘(2) However— 9
- (a) if the Minister is satisfied there are exceptional circumstances, the Minister may state a time under subsection (1)(a)(iii) that is less than 14 days; and 10  
11  
12
- (b) with the board’s written agreement, the Minister may state a time under subsection (1)(a)(iii) that is less than 14 days or make the appointment before the end of the stated time; and 13  
14  
15
- (c) subsection (1) does not apply if the board has asked the Minister to make the appointment. 16  
17
- ‘(3) If, after giving a notice under subsection (1), the Minister decides not to make the appointment, the Minister must give the board a written notice of the decision. 18  
19  
20
- ‘(4) If the Minister decides to make the appointment, the Minister must give the board a written notice of the decision before publishing the gazette notice under which the appointment is made. 21  
22  
23
- ‘46G Suitability of proposed appointee 24**
- ‘(1) The Minister may make the appointment only if the Minister is satisfied the proposed appointee has the appropriate qualifications and experience, and is otherwise suitable, to be the administrator. 25  
26  
27
- ‘(2) A person who has agreed to a proposed appointment must advise the Minister, before the appointment is made, whether the person is aware of a conflict of interest that may arise in the course of the person acting as administrator. 28  
29  
30  
31
- ‘(3) A person must not state anything to the Minister under subsection (2) that the person knows is false or misleading in a material particular. 32  
33  
34

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Maximum penalty—20 penalty units.	1
‘(4) Only an adult may be appointed as administrator.	2
‘(5) The <i>Commission for Children and Young People Act 2000</i> , part 6, <sup>3</sup> applies to the appointment as if it were employment by the Minister in regulated employment.	3 4 5
<b>‘46H Terms of appointment</b>	6
‘(1) The gazette notice under which the appointment is made must state the following matters—	7 8
(a) the appointee’s name;	9
(b) the school for which the board is constituted;	10
(c) the day the appointment takes effect;	11
(d) the term of the appointment;	12
(e) any conditions of the appointment.	13
‘(2) The gazette notice may also state anything else about the appointment that the Minister considers appropriate.	14 15
<b>‘46I Notice to parents about appointment</b>	16
‘After giving notice to the board under section 46F(4), and before publishing the gazette notice under which the appointment is made, the Minister must take reasonable steps to notify the parents of students at the relevant grammar school (the “ <b>interested parents</b> ”) about the proposed appointment.	17 18 19 20 21
<b>‘46J Variation of appointment</b>	22
‘(1) The Minister may, by gazette notice, vary the appointment by extending or shortening the term of the appointment or amending the conditions of the appointment.	23 24 25
‘(2) Before varying the appointment, the Minister must—	26

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<sup>3</sup> *Commission for Children and Young People Act 2000*, part 6 (Employment screening for child-related employment)

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(a) give the board a written notice of the proposed variation; and	1
(b) take reasonable steps to notify the interested parents about the proposed variation.	2 3
<b>‘46K Early ending of appointment</b>	4
‘(1) Before the term of the appointment ends—	5
(a) the Minister may end the appointment by gazette notice; or	6
(b) the administrator may end the appointment by signed notice given to the Minister.	7 8
‘(2) Also, the appointment ends if an appointee is appointed under the <i>Statutory Bodies Financial Arrangements Act 1982</i> , section 24. <sup>4</sup>	9 10
‘(3) If the appointment ends under this section, the Minister must immediately notify the board and take reasonable steps to notify the interested parents.	11 12 13
<b>‘46L Replacement of administrator</b>	14
‘(1) If the appointment ends under section 46K(1), the Minister may appoint someone else as administrator of the board.	15 16
‘(2) This division, other than section 46F(1), applies to the appointment.	17
<b><i>‘Division 2—Conduct of administration</i></b>	18
<b>‘46M Application of div 2</b>	19
‘This division applies during the appointment of an administrator of a board.	20 21
<b>‘46N Administrator’s powers and functions</b>	22
‘(1) The administrator has the board’s powers and functions.	23

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<sup>4</sup> *Statutory Bodies Financial Arrangements Act 1982*, section 24 (Appointing a person to recover guarantee amount etc.)

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‘(2) This Act and other Acts apply to the administrator, with all necessary changes, as if the administrator were the board.	1 2
‘(3) The accreditation Act applies to the administrator, with all necessary changes, as if the administrator were the school’s governing body.	3 4
<b>‘46O Direction by Minister</b>	5
‘(1) The administrator is subject to the Minister’s direction in exercising the administrator’s powers and performing the administrator’s functions.	6 7
‘(2) The administrator must give the board a copy of each direction received from the Minister.	8 9
‘(3) The board must ensure a copy of each direction given to the administrator during a financial year is included in the board’s annual report for the year under the <i>Financial Administration and Audit Act 1977</i> .	10 11 12
<b>‘46P Effect on the board</b>	13
‘(1) The board continues in existence subject to this Act.	14
‘(2) However, the board may not exercise its powers and functions under this Act other than in giving the administrator the help that the administrator asks for.	15 16 17
<b>‘46Q Reports</b>	18
‘(1) The administrator must give to the Minister the reports about the administration that the Minister requires.	19 20
‘(2) The reports must be given as soon as possible after the end of the appointment or, if required by the Minister at a time during the appointment, at that time.’.	21 22 23
<b>Clause 18 Insertion of new pt 4 div 1, div 2 hdg and s 46V</b>	24
After part 4 heading—	25
<i>insert—</i>	26



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<b><i>‘Division 1—Offences and related matters</i></b>	1
<b>‘46R Offences relating to non-grammar schools</b>	2
‘(1) A person must not establish or operate a non-grammar school under a name that includes the word ‘grammar’.	3 4
Maximum penalty—200 penalty units.	5
‘(2) A person must not hold out a non-grammar school to be a grammar school.	6 7
Maximum penalty—200 penalty units.	8
<b>‘46S Summary proceedings for offences</b>	9
‘(1) A proceeding for an offence against this Act must be taken in a summary way under the <i>Justices Act 1886</i> .	10 11
‘(2) The proceeding must start—	12
(a) within 1 year after the commission of the offence; or	13
(b) within 6 months after the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.	14 15 16
<b>‘46T Statement of complainant’s knowledge</b>	17
‘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.	18 19 20 21
<b>‘46U False or misleading statement</b>	22
‘In a proceeding for an offence against section 46G(3), <sup>5</sup> it is enough for a complaint to state that the statement made was ‘false or misleading’ to the person’s knowledge, without specifying which.	23 24 25

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5 Section 46G (Suitability of proposed appointee)

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<b><i>‘Division 2—Other matters</i></b>	1
<b>‘46V No religious affiliation</b>	2
‘A grammar school’s board must ensure the school—	3
(a) is operated independently of a church or other body established for religious purposes; and	4 5
(b) is not operated for students of a particular religion.’.	6
 <b>Clause 19 Amendment of s 48 (Disposal of assets on discontinuing a school)</b>	 7
(1) Section 48(1), ‘school’—	8
<i>omit, insert—</i>	9
‘grammar school’.	10
(2) Section 48(2), ‘Crown’—	11
<i>omit, insert—</i>	12
‘State’.	13
(3) Section 48(2), ‘ <i>Land Act 1962</i> ’—	14
<i>omit, insert—</i>	15
‘ <i>Land Act 1994</i> ’.	16
 <b>Clause 20 Replacement of s 49 (Inspection of schools)</b>	 17
Section 49—	18
<i>omit, insert—</i>	19
<b>‘49 Regulation listing current grammar schools</b>	20
‘(1) As soon as practicable after the commencement of this section, the Governor in Council must make a regulation stating the name of each grammar school existing at the time the regulation is made.	21 22 23
‘(2) The Governor in Council may amend the regulation to include the name of another grammar school on receiving advice that the Minister has—	24 25 26

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(a) given approval under section 6A for the school's establishment; 1  
or 2

(b) decided under section 6B to establish the school. 3

'(3) After consulting with a grammar school's board, the Minister may 4  
recommend to the Governor in Council that the regulation be amended to 5  
change the school's name. 6

'(4) On receiving the Minister's advice that a grammar school has been 7  
discontinued, the Governor in Council must amend the regulation to omit 8  
the school's name. 9

**'49A Name under which a school is operated** 10

'A grammar school must not be operated under a name other than its 11  
name stated in a regulation under section 49.'. 12

**Clause 21 Amendment of s 50 (Power of delegation)** 13

(1) Section 50(1), 'powers, functions and duties'— 14

*omit, insert—* 15

'powers'. 16

(2) Section 50(1), after 'rules'— 17

*insert—* 18

'or by-laws'. 19

(3) Section 50(2) to (5)— 20

*omit.* 21

**Clause 22 Replacement of s 51 (Regulations)** 22

Section 51— 23

*omit, insert—* 24

**'51 Regulation-making power** 25

'(1) The Governor in Council may make regulations under this Act. 26

'(2) A regulation may provide for a maximum penalty of not more than 27  
20 penalty units for a contravention of a regulation. 28

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- ‘(3) A regulation may be made about— 1
- (a) elections under this Act, including— 2
- (i) a minimum or maximum amount that may be prescribed by 3  
a board as its electoral eligibility amount; and 4
- (ii) an amount that is the electoral eligibility amount for a board 5  
if no amount is in force under a by-law for the board; and 6
- (iii) when an election is held; and 7
- (iv) a maximum number of terms for which a person may be 8  
elected under section 7(4)(b); and 9
- (b) dealing with the property of a grammar school after the school is 10  
discontinued.’. 11

**Clause 23 Insertion of new pt 5 12**

After part 4— 13

*insert— 14*

**‘PART 5—TRANSITIONAL PROVISIONS FOR 15  
GRAMMAR SCHOOLS AND OTHER LEGISLATION 16  
AMENDMENT ACT 2003 17**

**‘52 Meaning of “commencement day” for pt 5 18**

‘In this part— 19

**“commencement day”, in relation to a provision of this part, means the 20  
day the provision commences. 21**

**‘53 Existing grammar schools 22**

‘A grammar school continued in existence under section 4(2) of this Act, 23  
as originally enacted, is taken to be established under this Act. 24

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<b>‘54 Amounts previously donated or subscribed</b>	1
‘For section 7(4D), the amounts a person has donated or subscribed to a school include amounts the person donated or subscribed before the commencement day.	2 3 4
<b>‘55 Currently eligible persons remain eligible</b>	5
‘(1) This section applies to a person who, before the commencement day, had donated or subscribed to a school at least the prescribed amount under section 7(4A) as in force immediately before the commencement day.	6 7 8
‘(2) The person is taken to have donated or subscribed the electoral eligibility amount for the board.	9 10
‘(3) Subsection (2) applies despite any amount prescribed on or after the commencement day as the electoral eligibility amount for the board.	11 12
<b>‘56 Disqualification of board member</b>	13
‘(1) This section applies if, before the commencement day—	14
(a) a person had been convicted of an indictable offence; and	15
(b) under section 9(b), as in force before the commencement day, a board had decided the circumstances of the offence did not warrant disqualification from the office of a member of the board.	16 17 18 19
‘(2) The conviction is taken not to be a conviction for section 9.	20
<b>‘57 Application of s 46R offences to certain non-grammar schools</b>	21
‘(1) This section applies to each of the following schools—	22
(a) the Anglican Church Grammar School;	23
(b) the Sunshine Coast Grammar School.	24
‘(2) Section 46R(1) <sup>6</sup> does not apply to the operation of the school.	25
‘(3) For section 46R(2), a person does not hold out the school to be a grammar school only by using the school’s name.	26 27

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6 Section 46R (Offences relating to non-grammar schools)

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<p>‘(4) Subsections (2) and (3) apply to the school only while it continues to be operated by its current operator under the name it had immediately before the commencement day.</p> <p>‘(5) In this section—</p> <p><b>“Anglican Church Grammar School”</b> means the school that, before the commencement day, was operated under that name by its current operator.</p> <p><b>“current operator”</b> means—</p> <p style="padding-left: 2em;">(a) for the Anglican Church Grammar School—The Corporation of the Synod of the Diocese of Brisbane; or</p> <p style="padding-left: 2em;">(b) for the Sunshine Coast Grammar School—Sunshine Coast Grammar School Pty Ltd ACN 064 506 814.</p> <p><b>“Sunshine Coast Grammar School”</b> means the school that, before the commencement day, was operated under that name by its current operator.’.</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p>
<p><b>Clause 24 Omission of schedule (Rules for election of members of a board)</b></p> <p>Schedule—</p> <p><i>omit.</i></p>	<p>16</p> <p>17</p> <p>18</p>
<p><b>Clause 25 Insertion of new schedule</b></p> <p>After part 5—</p> <p><i>insert—</i></p>	<p>19</p> <p>20</p> <p>21</p>
<p><b>‘SCHEDULE</b></p>	<p>22</p>
<p><b>‘DICTIONARY</b></p>	<p>23</p>
<p>section 2’.</p>	<p>24</p>

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**PART 3—AMENDMENT OF EDUCATION** 1  
**(ACCREDITATION OF NON-STATE SCHOOLS)** 2  
**ACT 2001** 3

<b>Clause 26 Act amended in pt 3</b>	4
This part amends the <i>Education (Accreditation of Non-State Schools) Act 2001</i> .	5 6
<b>Clause 27 Insertion of new ch 2, pt 4, div 5</b>	7
Chapter 2, part 4, after division 4—	8
<i>insert—</i>	9
<b><i>‘Division 5—Grammar schools</i></b>	10
<b>‘70B Notice to Minister about action taken in relation to a grammar school</b>	11 12
‘(1) This section applies if the board gives any of the following notices to the governing body of a grammar school—	13 14
(a) a compliance notice;	15
(b) a show cause notice under any provision of this Act;	16
(c) a notice under section 66(b);	17
(d) an information notice about a decision to cancel the school’s accreditation.	18 19
‘(2) The board must also give a copy of the notice to the Minister.	20
‘(3) In this section—	21
<b>“grammar school”</b> means a grammar school under the <i>Grammar Schools Act 1975</i> .’.	22 23

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**PART 4—AMENDMENT OF EDUCATION (GENERAL  
PROVISIONS) ACT 1989** 1  
2

<b>Clause 28 Act amended in pt 4</b>	3
This part amends the <i>Education (General Provisions) Act 1989</i> .	4
<b>Clause 29 Amendment of s 2 (Interpretation)</b>	5
Section 2(1)—	6
<i>insert—</i>	7
‘“school in receipt of subsidy” see section 134A(1).’	8
<b>Clause 30 Amendment of s 142 (Provision for student hostels)</b>	9
Section 142, ‘within the meaning of the term in section 134A’—	10
<i>omit.</i>	11
<b>Clause 31 Insertion of new s 142A</b>	12
After section 142—	13
<i>insert—</i>	14
<b>‘142A Transportation assistance for students with disabilities</b>	15
‘(1) The Minister may give assistance to eligible students relating to their transportation to or from school.	16 17
‘(2) The ways that the Minister may give the assistance include the following—	18 19
(a) paying to the students or their parents all or part of the expenses of the transportation;	20 21
(b) making payments to the providers of the transportation;	22
(c) helping to organise or co-ordinate the transportation.	23
‘(3) In this section—	24
<b>“eligible student”</b> means a student with a disability who attends a school in receipt of subsidy.’	25 26



<b>SCHEDULE</b>	1
<b>MINOR AMENDMENTS OF GRAMMAR SCHOOLS ACT 1975</b>	2 3
section 3	4
<b>1 Section 15, heading, ‘duties’—</b>	5
<i>omit, insert—</i>	6
<b>‘functions’.</b>	7
<b>2 Section 15, ‘powers, authorities, functions and duties’—</b>	8
<i>omit, insert—</i>	9
<b>‘powers and functions’.</b>	10
<b>3 Section 16(1), ‘powers, authorities, functions and duties’—</b>	11
<i>omit, insert—</i>	12
<b>‘powers and functions’.</b>	13
<b>4 Section 18(1)(c), ‘powers, authorities, functions and duties’—</b>	14
<i>omit, insert—</i>	15
<b>‘powers and functions’.</b>	16
<b>5 Section 18(2), ‘duties’—</b>	17
<i>omit, insert—</i>	18
<b>‘functions’.</b>	19

SCHEDULE (continued)

<b>6</b>	<b>Section 33(2A), ‘powers, authorities, functions and duties’—</b>	1
	<i>omit, insert—</i>	2
	‘powers and functions’.	3
<b>7</b>	<b>Section 39(2), ‘powers, authorities, functions and duties’—</b>	4
	<i>omit, insert—</i>	5
	‘powers and functions’.	6
<b>8</b>	<b>Section 40(6), ‘, duties’—</b>	7
	<i>omit.</i>	8
<b>9</b>	<b>Section 41(1), ‘power, authority, function or duty’—</b>	9
	<i>omit, insert—</i>	10
	‘power or function’.	11