



Queensland

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

2012

A Bill

for

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

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Education Legislation
Amendment Act 2012*. 4
5

**Part 2 Amendment of Education and
Training Legislation
Amendment Act 2011** 6
7
8

Clause 2 Act amended 9

This part amends the *Education and Training Legislation
Amendment Act 2011*. 10
11

Clause 3 Amendment of s 9 (Insertion of new s 365A) 12

(1) Section 9, inserted section 365A(1)(b)— 13

omit, insert— 14

‘(b) a pre-preparatory age child registered in— 15

(i) a pre-preparatory learning program at the school; 16
or 17

(ii) a distance education pre-preparatory learning 18
program at the school;’. 19

(2) Section 9, inserted section 365A— 20

insert— 21

‘(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*

Clause 4	Amendment of s 11 (Insertion of new ss 366A and 366B)	8
	Section 11, inserted section 366A—	9
	<i>insert—</i>	10
	‘(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.’.	11 12 13 14
	<i>Editor’s note—</i>	15
	Legislation ultimately amended—	16
	• <i>Education (General Provisions) Act 2006</i>	17

Part 3	Amendment of Education (General Provisions) Act 2006	18 19
---------------	---	----------

Clause 5	Act amended	20
	This part amends the <i>Education (General Provisions) Act 2006</i> .	21 22
Clause 6	Amendment of s 50 (State education to be free)	23
	Section 50(1)(b)—	24
	<i>omit, insert—</i>	25

[s 7]

- ‘(b) a person who is a pre-preparatory age child registered in— 1
2
(i) a pre-preparatory learning program at a prescribed State school; or 3
4
(ii) a distance education pre-preparatory learning program at a State school;’. 5
6

- Clause 7 Amendment of s 288F (Exclusion of student by principal) 7**
Section 288F(3)— 8
insert— 9
‘(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.’. 10
11
12
13

- Clause 8 Amendment of s 293 (Exclusion of student by principal’s supervisor) 14
15**
Section 293(3)— 16
insert— 17
‘(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.’. 18
19
20
21

- Clause 9 Amendment of s 302 (Exclusion of student by chief executive) 22
23**
Section 302(3)— 24
insert— 25
‘(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.’. 26
27
28
29

Clause 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)	1 2 3
	Section 314—	4
	<i>omit.</i>	5
Clause 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)	6 7 8
	(1) Section 315, heading, ‘aged from 17 to’—	9
	<i>omit, insert—</i>	10
	‘ under ’.	11
	(2) Section 315(1)—	12
	<i>omit, insert—</i>	13
	‘(1) This section applies to a person under 24 years who is excluded permanently—	14 15
	(a) from a State school at which the person was enrolled immediately before the exclusion on a ground mentioned in—	16 17 18
	(i) section 288B(1) or (2); or	19
	(ii) section 289(1) or (2); or	20
	(iii) section 298; or	21
	(b) from certain State schools on a ground mentioned in—	22
	(i) section 289(1); or	23
	(ii) section 298; or	24
	(c) from all State schools on a ground mentioned in section 298.’.	25 26
Clause 12	Amendment of s 365 (Obligation to report sexual abuse of person under 18 years at State school)	27 28
	Section 365(1)(b)—	29

[s 13]

- omit, insert—* 1
- ‘(b) a pre-preparatory age child registered in— 2
- (i) a pre-preparatory learning program at the school; 3
or 4
- (ii) a distance education pre-preparatory learning 5
program at the school;’. 6

- Clause 13 Amendment of s 368 (Provision of scholarships and 7
payment of allowances) 8**
- Section 368(1)— 9
- insert—* 10
- ‘(f) pay an allowance or subsidy to a person to offset the 11
person’s costs in participating in a distance education 12
pre-preparatory learning program under chapter 19, part 13
1A. 14
- Example of costs that may be offset for paragraph (f)—* 15
computer hardware, internet or phone expenses’. 16

- Clause 14 Insertion of new ch 19, pt 1A 17**
- Chapter 19— 18
- insert—* 19
- ‘Part 1A Distance education 20
pre-preparatory learning 21
program 22**

- ‘419E Distance education pre-preparatory learning program 23**
- ‘The Minister may approve a program focused on literacy and 24
numeracy, for preparing a child for education in the 25
preparatory year, to be a distance education pre-preparatory 26
learning program for a State school providing distance 27
education. 28

‘419F Registration in programs	1
‘(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 3 4
‘(2) The application must be made, in the approved form, to the principal of the school.	5 6
‘(3) The principal may grant the application if satisfied—	7
(a) the child is—	8
(i) an Australian citizen or permanent resident; or	9
(ii) a child of an Australian citizen or permanent resident; and	10 11
(b) the child—	12
(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	13 14 15 16
(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	17 18 19 20
(iii) has an itinerant lifestyle.	21
‘(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—	22 23 24
(a) the child’s principal place of residence is likely to change at least twice during the registration year; or	25 26
(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.	27 28 29 30
<i>Example of an occupation for subsection (4)—</i>	31
carnival worker, contract harvester or shearer	32

[s 14]

- ‘(5) The principal must give the applicant a notice of the principal’s decision to grant or refuse to grant the application. 1
2
- ‘(6) If the decision is to refuse to grant the application, the notice must include the principal’s reasons for the decision. 3
4
- ‘(7) In this section— 5
- centre-based service* means an education and care service other than a family day care service. 6
7
- education and care service* see the Education and Care Services National Law (Queensland), section 5(1). 8
9
- family day care service* see the Education and Care Services National Law (Queensland), section 5(1). 10
11
- medical certificate* means a certificate signed by— 12
- (a) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession other than as a student; or 13
14
15
- (b) a medical practitioner. 16
- permanent resident* means the holder of a permanent visa as defined by the *Migration Act 1958* (Cwlth), section 30(1). 17
18
- 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. 19
20
21
- registration year*, for a child, means the year proposed for the child’s registration in a distance education pre-preparatory learning program. 22
23
24
- ‘419G Review of decision to refuse to grant an application 25**
- ‘(1) This section applies if a decision is made under section 419F to refuse to grant an application for registration. 26
27
- ‘(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. 28
29
30
- ‘(3) The application must state fully the grounds for the submission and the facts relied on. 31
32

-
- ‘(4) After reviewing the decision, the chief executive must decide to— 1
2
(a) confirm the decision; or 3
(b) set aside the decision and grant the application. 4
- ‘(5) The chief executive must as soon as practicable give a notice 5
to the applicant about the chief executive’s decision and the 6
reasons for the decision. 7

‘419H Status of children registered in programs 8

- ‘A child registered in a distance education pre-preparatory 9
learning program provided by a school is not, for this Act— 10
- (a) a student of the school; or 11
(b) enrolled at the school; or 12
(c) enrolled in a program of distance education at the 13
school.’. 14

Clause 15 Amendment of s 426 (Confidentiality) 15

- Section 426(1)(b)(ii)— 16
insert— 17
- ‘(C) who is or has been registered in a distance 18
education pre-preparatory learning program; 19
or 20
(D) for whom an application for registration has 21
been made under section 419F; or’ 22

**Clause 16 Amendment of s 428 (Collection of demographic 23
information) 24**

- Section 428(1)(b)— 25
omit, insert— 26
‘(b) a pre-preparatory age child registered in— 27

[s 17]

	(i) a pre-preparatory learning program at a State school; or	1 2
	(ii) a distance education pre-preparatory learning program;’.	3 4
Clause 17	Insertion of new ch 20, pt 5	5
	Chapter 20—	6
	<i>insert—</i>	7
‘Part 5	Transitional provision for Education Legislation Amendment Act 2012	8 9 10
‘512	Final notice for written submission under s 314	11
	‘(1) This section applies to a person who immediately before the commencement of this section (the <i>commencement</i>) was entitled to receive a notice under section 314(2) at a time after the commencement.	12 13 14 15
	‘(2) The chief executive must, as soon as practicable, but within 6 months after the commencement, give the person a notice (the <i>final notice</i>) stating the following—	16 17 18
	(a) that the person will not receive any further notices under section 314;	19 20
	(b) that the person may make a periodic written submission to the chief executive under chapter 12, part 3, division 6.	21 22 23
	‘(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 <i>submission period</i>) had not ended before the commencement—	24 25 26 27
	(a) the person may make a written submission within the submission period; and	28 29

(b) the submission is taken to have been made, and must be dealt with, under section 315. 1
2

‘(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— 3
4
5
6
7

(a) is taken to have been made under section 315; and 8

(b) must be dealt with under section 315.’. 9

Clause 18 Amendment of sch 4 (Dictionary) 10

Schedule 4— 11

insert— 12

‘distance education pre-preparatory learning program 13

means a program approved under section 419E.’. 14

**Part 4 Amendment of Education (Queensland College of Teachers) Act 2005 15
16
17**

Clause 19 Act amended 18

This part amends the *Education (Queensland College of Teachers) Act 2005*. 19
20

**Clause 20 Amendment of s 230 (College’s functions about registration and permission to teach) 21
22**

Section 230(i), ‘developing and applying’— 23

omit, insert— 24

‘developing or adopting, and applying.’. 25

[s 21]

Clause 21	Replacement of s 235 (Professional standards)	1
	Section 235—	2
	<i>omit, insert—</i>	3
‘235	Professional standards	4
	‘(1) The college must—	5
	(a) adopt the national professional standards; or	6
	(b) with the approval of the Minister, adopt or develop standards other than the national professional standards.	7 8
	‘(2) The college may amend standards it has adopted or developed under subsection (1)(b).	9 10
	‘(3) When acting under subsection (1) or (2), the college—	11
	(a) must consult with the chief executive and the representative entities; and	12 13
	(b) may consult with other entities it considers appropriate.	14
	‘(4) The purpose of the professional standards is to detail the abilities, experience, knowledge or skills expected of teachers to help the college decide—	15 16 17
	(a) whether to approve a preservice teacher education program; and	18 19
	(b) whether an applicant for provisional or full registration, or an applicant for the renewal of full registration, meets the professional practice requirements.	20 21 22
	‘(5) The professional standards may provide for all or any of the following matters—	23 24
	(a) the abilities, knowledge and skills required for provisional registration;	25 26
	(b) the abilities, experience, knowledge and skills required for full registration;	27 28
	(c) the abilities, experience, knowledge and skills required for renewal of full registration.	29 30

-
- ‘(6) If the professional standards are inconsistent with a requirement under this Act, the standards are invalid to the extent of the inconsistency.’ 1
2
3
- ‘(7) The college must— 4
- (a) make the professional standards available for inspection on its internet site; and 5
6
- Editor’s note—* 7
- The college’s internet site is located at <www.qct.edu.au>. 8
- (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. 9
10
11
12
- ‘(8) In this section— 13
- national professional standards* means the national professional standards prescribed under a regulation.’. 14
15

Clause 22 Insertion of new ch 12, pt 14 16

After chapter 12, part 13— 17

insert— 18

‘Part 14 Transitional provision for Education Legislation Amendment Act 2012 19
20
21

‘353 Existing standards continue in force 22

- ‘(1) This section applies to the professional standards developed by the college and in force immediately before the commencement of this section. 23
24
25
- ‘(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).’ 26
27
28

[s 23]

Clause 23	Amendment of sch 3 (Dictionary)	1
	Schedule 3, definition <i>professional standards</i> —	2
	<i>omit, insert</i> —	3
	<i>‘professional standards</i> means the standards adopted or	4
	developed under section 235(1)(a) or (b).’	5

© State of Queensland 2012