



Queensland

# **Education (Accreditation of Non-State Schools) Bill 2017**





Queensland

# Education (Accreditation of Non-State Schools) Bill 2017

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# 2017

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## A Bill

for

**An Act to provide for the accreditation of non-State schools, and deciding the eligibility of non-State schools' governing bodies for government funding for the schools, to repeal the *Education (Accreditation of Non-State Schools) Act 2001* and to amend this Act, the *Building Act 1975*, the *Charitable and Non-Profit Gaming Act 1999*, the *Child Protection Act 1999*, the *Education and Care Services Act 2013*, the *Education and Care Services National Law (Queensland) Act 2011*, the *Education (Capital Assistance) Act 1993*, the *Education (General Provisions) Act 2006*, the *Education (Overseas Students) Regulation 2014*, the *Education (Queensland College of Teachers) Act 2005*, the *Education (Queensland Curriculum and Assessment Authority) Act 2014*, the *Education (Work Experience) Act 1996*, the *Environmental Protection Act 1994*, the *Family Responsibilities Commission Act 2008*, the *Grammar Schools Act 2016*, the *Planning Act 2016*, the *Public Guardian Act 2014*, the *Public Health Act 2005*, the *Public Health (Medicinal Cannabis) Regulation 2017*, the *Residential Services (Accreditation) Act 2002*, the *Residential Tenancies and Rooming Accommodation Act 2008*, the *Tobacco and Other***

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<b><i>Smoking Products Act 1998, the Transport Operations</i></b>	<b>1</b>
<b><i>(Passenger Transport) Regulation 2005, the Weapons Act 1990,</i></b>	<b>2</b>
<b><i>the Workers' Compensation and Rehabilitation Act 2003 and the</i></b>	<b>3</b>
<b><i>Working with Children (Risk Management and Screening) Act</i></b>	<b>4</b>
<b><i>2000 for particular purposes</i></b>	<b>5</b>

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<b>The Parliament of Queensland enacts—</b>	1
<b>Chapter 1 Preliminary</b>	2
<b>Part 1 Introduction</b>	3
<b>1 Short title</b>	4
This Act may be cited as the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	5 6
<b>2 Commencement</b>	7
This Act commences on a day to be fixed by proclamation.	8
<b>Part 2 Objects</b>	9
<b>3 Objects of Act</b>	10
(1) The objects of this Act are—	11
(a) to uphold the standards of education at non-State schools; and	12 13
(b) to maintain public confidence in the operation of non-State schools; and	14 15
(c) to foster educational choices in the State.	16
(2) The objects are to be achieved mainly by—	17
(a) establishing the Non-State Schools Accreditation Board; and	18 19
(b) establishing an accreditation regime for the accreditation of non-State schools; and	20 21

[s 4]

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- (c) establishing a process for deciding the eligibility of a non-State school's governing body for government funding for the non-State school. 1  
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## **Part 3 Interpretation** 4

### **4 Dictionary** 5

The dictionary in schedule 1 defines particular words used in this Act. 6  
7

### **5 Meaning of *school*** 8

A *school* means a non-State school. 9

### **6 Meaning of *non-State school*** 10

- (1) A *non-State school* means a school (in the ordinary meaning of the word) established to provide the following types of education— 11  
12  
13
  - (a) primary education; 14
  - (b) secondary education; 15
  - (c) special education. 16
- (2) However, a *non-State school* does not include the following— 17  
18
  - (a) a State educational institution within the meaning of the *Education (General Provisions) Act 2006*, schedule 4; 19  
20
  - (b) for a child registered or provisionally registered for home education under the *Education (General Provisions) Act 2006*—the child's usual place of residence; 21  
22  
23  
24
  - (c) a place where a child undertaking primary, secondary or special education receives tutorial help relating to the education; 25  
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(d)	TAFE Queensland under the <i>TAFE Queensland Act 2013</i> ;	1 2
(e)	a place used only to provide education and care or regulated education and care;	3 4
(f)	a place used only to offer a curriculum that is, or is a variation of, the whole or part of the primary or secondary curriculum of a foreign country.	5 6 7
(3)	In this section—	8
	<i>education and care</i> means education and care provided by an approved education and care service under the Education and Care Services National Law (Queensland).	9 10 11
	<i>regulated education and care</i> means regulated education and care within the meaning of the <i>Education and Care Services Act 2013</i> , but does not include education and care provided in the course of providing primary education, secondary education or special education.	12 13 14 15 16
<b>7</b>	<b>Meaning of <i>operated for profit</i></b>	17
	A school is <i>operated for profit</i> if any part of the income arising from the school’s operation is used for any purpose other than the operation of the school.	18 19 20
<b>8</b>	<b>Meaning of <i>prohibited arrangement</i></b>	21
(1)	A <i>prohibited arrangement</i> is a contract or arrangement—	22
(a)	entered into by a school’s governing body or proposed governing body and another entity not dealing with each other at arm’s length; and	23 24 25
(b)	that is not, or will not be, for the benefit of the school.	26
(2)	For subsection (1)(b), a contract or arrangement is not, or will not be, for the benefit of the school if the contract or arrangement is for property, goods or services—	27 28 29
(a)	at more than reasonable market value; or	30

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	(b) that are not required for the operation of the school.	1
	(3) Subsection (2) does not limit subsection (1)(b).	2
<b>9</b>	<b>Meaning of <i>director</i></b>	3
	A <i>director</i> , of a school's governing body, is—	4
	(a) if the governing body is a company under the Corporations Act—a person appointed as a director of the governing body; or	5 6 7
	(b) if the governing body is a RECI Act corporation—	8
	(i) a declared director of the governing body; and	9
	(ii) if all declared directors of the governing body, for the time being, nominate a person as a director of the governing body—the person; or	10 11 12
	<i>Note—</i>	13
	The governing body must give the board a notice under section 169(4) within 28 days after a nomination.	14 15
	(c) otherwise—a person who is, or is a member of, the executive or management entity, by whatever name called, of the governing body.	16 17 18
<b>10</b>	<b>Meaning of <i>meets the government funding eligibility criteria</i></b>	19 20
	A governing body of a school <i>meets the government funding eligibility criteria</i> if—	21 22
	(a) the governing body is not an ineligible company; and	23
	(b) the school operated by the governing body will not, on or after its accreditation, be operated for profit; and	24 25
	(c) the governing body is not a party to, and does not intend to enter into, a prohibited arrangement in relation to the operation of the school; and	26 27 28

- 
- (d) there is no direct or indirect connection between the governing body and another entity, and there will not on or after the school's accreditation be a direct or indirect connection between the governing body and another entity, that could reasonably be expected to compromise the independence of the governing body when making financial decisions.

## **Chapter 2            Accreditation of schools**            8

### **Part 1                    Accreditation criteria**            9

#### **11            Prescribing accreditation criteria**            10

A regulation may prescribe criteria (the *accreditation criteria*), relevant to a school's accreditation, about the following—

- (a) the school's administration and governance arrangements;            14
- (b) the school's financial viability;            16
- (c) the school's educational program;            17
- (d) the school's student welfare processes;            18
- (e) the school's resources;            19
- (f) the school's improvement processes.            20

[s 12]

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<b>Part 2</b>	<b>Accreditations</b>	1
<b>Division 1</b>	<b>Preliminary</b>	2
<b>12</b>	<b>Type of education</b>	3
(1)	A school may only be accredited to provide the following types of education—	4 5
(a)	primary education;	6
(b)	secondary education;	7
(c)	special education.	8
(2)	A school may provide education in the preparatory year only if the school is accredited to provide primary education for at least years 1 to 3.	9 10 11
(3)	To remove any doubt, it is declared that a school that is accredited to provide primary education or secondary education is not also required to be accredited to provide special education for the education of persons with a disability.	12 13 14 15 16
<b>13</b>	<b>Mode of delivery of education</b>	17
	A school may only be accredited to use the following modes of delivery of education—	18 19
(a)	classroom education;	20
(b)	distance education.	21
<b>14</b>	<b>Special assistance</b>	22
(1)	This section applies to a school that is accredited to provide primary or secondary education.	23 24
(2)	The school may be accredited to provide special assistance.	25

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- (3) The provision of *special assistance* is the provision of a type of education mentioned in subsection (1)—
- (a) to relevant students; and
  - (b) without tuition fees.
- (4) In this section—
- compulsory participation phase* see the *Education (General Provisions) Act 2006*, section 231.
- compulsory school age* see the *Education (General Provisions) Act 2006*, section 9.
- eligible option* see the *Education (General Provisions) Act 2006*, section 232.
- full-time*, in relation to participation in an eligible option, see the *Education (General Provisions) Act 2006*, schedule 4.
- relevant students* means students who—
- (a) would not otherwise be—
    - (i) enrolled at and attending school while of compulsory school age; or
    - (ii) participating in an eligible option full-time, or in paid employment for at least 25 hours each week, during the compulsory participation phase; and
  - (b) are not provisionally registered, or registered, for home education under the *Education (General Provisions) Act 2006*, chapter 9, part 5.
- school*, for the purposes of the definition *relevant students*, includes a State school.

## 15 When school must commence operations 26

A school accredited to offer a type of education under this part must commence operations on the student-intake day for the type of education. 27  
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[s 16]

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<i>Note—</i>	1
For how a school’s governing body may apply to change the student-intake day for the type of education, see part 3, division 1.	2 3
<b>16 Duration of accreditation</b>	4
Accreditation of a school has effect until it is cancelled or surrendered under this Act.	5 6
<b>17 Governing body must be a corporation</b>	7
The governing body of an accredited school must always be a corporation.	8 9
<i>Note—</i>	10
If the governing body of an accredited school ceases to be a corporation, that is a ground for cancellation of accreditation—see section 66.	11 12 13
<b>Division 2 Applications for accreditation</b>	14
<b>Subdivision 1 Applications</b>	15
<b>18 Governing body of school may apply for accreditation</b>	16
(1) A school’s proposed governing body may apply for accreditation of the school.	17 18
(2) To be eligible to apply, the proposed governing body must be a corporation.	19 20
<b>19 Procedural requirements for application</b>	21
(1) An application for the accreditation of a school must—	22
(a) be made to the board; and	23
(b) be in the approved form; and	24



- 
- (c) be accompanied by— 1
- (i) the fee prescribed by regulation; and 2
  - (ii) copies of current positive notices or current 3  
positive exemption notices for all the directors of 4  
the school’s governing body. 5
- (2) The approved form must require the inclusion of— 6
- (a) the types of education proposed to be provided by the 7  
school; and 8
  - (b) the student-intake day for each type of education 9  
proposed to be provided by the school; and 10
  - (c) if, on the student-intake day for a type of education, the 11  
school will be an establishment phase school for a year 12  
of schooling for the type of education proposed to be 13  
provided by the school—the student-intake day for the 14  
year of schooling. 15
- Example—* 16
- An applicant applies to have a school accredited to provide 17  
primary education from 1 January 2018. The school proposes to 18  
offer the preparatory year and years 1 to 3 from 1 January 2018, 19  
year 4 from 1 January 2019, year 5 from 1 January 2020 and 20  
year 6 from 1 January 2021. The applicant must provide the 21  
school’s student-intake day for primary education (1 January 22  
2018), and the school’s student intake days for year 4 (1 January 23  
2019), year 5 (1 January 2020) and year 6 (1 January 2021). 24
- (3) The student-intake day for a type of education must be within 25  
4 years after the day the application is made. 26
- (4) Also, the approved form must require the inclusion of details 27  
of each of the following attributes for each type of education 28  
proposed to be provided by the school that the school must 29  
have if the board decides to grant the application— 30
- (a) the school’s proposed governing body; 31
  - (b) the location of the sites at which the school is to operate, 32  
other than sporting fields or camping grounds used by 33  
the school; 34
-

[s 20]

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- (c) for each site at which the school is to operate— 1
    - (i) the mode of delivery of education to be used at the 2  
site; and 3
    - (ii) the years of schooling the school is to offer at the 4  
site; and 5
    - (iii) whether the site is a coeducational or single-sex 6  
site; 7
  - (d) if the school is to include boarding facilities— 8
    - (i) the sites at which the boarding facilities are to be 9  
provided; and 10
    - (ii) the years of schooling for which boarding will be 11  
offered; and 12
    - (iii) whether the boarding facilities to be offered are to 13  
be coeducational or single-sex facilities; 14
  - (e) if the school is to provide special assistance—the sites at 15  
which special assistance is to be provided. 16
- Note—* 17
- A special assistance school may temporarily provide special 18  
assistance at other sites—see part 4. 19
- (5) A site must not be an attribute for subsection (4)(e) if the 20  
school is to provide education other than special assistance at 21  
the site. 22
  - (6) In addition, the approved form must require the inclusion of 23  
an indication about whether or not the applicant seeks to be 24  
eligible for government funding for the school. 25

**20 Board must notify entities of, and publish, application 26  
details 27**

The board must, within 28 days after receiving an application 28  
for the accreditation of a school— 29

- (a) give ISQ, QCEC and the chief executive a notice stating 30  
the following information— 31

- 
- (i) that the proposed governing body for the school has applied for accreditation of the school; and
  - (ii) details of the proposed attributes of accreditation for the school; and
  - (b) publish the information mentioned in paragraph (a) on the board's website.

## **Subdivision 2 Deciding applications**

### **21 Deciding application**

- (1) The board must consider the application and decide, in relation to each type of education proposed to be provided by the school, whether—
  - (a) the applicant is suitable to be the school's governing body; and

*Note—*

See section 26 for suitability of governing body.

  - (b) the school will comply with the accreditation criteria from the school's student-intake day for the type of education.
- (2) If, in relation to a type of education, the board is satisfied about the matters mentioned in subsection (1), the board must decide to accredit the school to provide the type of education with the following attributes for the school—
  - (a) the attributes of accreditation stated in the application;
  - (b) any other attribute agreed to by the applicant and board.
- (3) If, in relation to a type of education, the board is not satisfied about a matter mentioned in subsection (1), the board must decide to refuse to accredit the school for the type of education.

[s 22]

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- 22 Further information or documents** 1
- (1) The board may, by notice given to the applicant, require the applicant to give the board, within a stated period of at least 30 days, further information or a document the board reasonably requires to decide the application. 2  
3  
4  
5
- (2) The notice may require the information or document to be verified by a statutory declaration. 6  
7
- (3) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement. 8  
9  
10
- 23 Failure to decide application** 11
- (1) If the board fails to decide an application within 6 months after receiving the application— 12  
13
- (a) the failure is taken to be a decision of the board to refuse to accredit the school; and 14  
15
- (b) the board must, as soon as practicable, give the applicant an information notice about the decision. 16  
17
- (2) This section is subject to section 24. 18
- 24 Extension of time to decide application** 19
- (1) This section applies if the board considers it needs more time to decide an application. 20  
21
- (2) The applicant and board may, at any time before the day that is 6 months after the day on which the board received the application, agree in writing on a day (the *agreed day*) by which the decision is to be made. 22  
23  
24  
25
- (3) If the board fails to make the decision by the agreed day— 26
- (a) the failure is taken to be a decision of the board to refuse to accredit the school; and 27  
28
- (b) the board must, as soon as practicable, give the applicant an information notice about the decision. 29  
30

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<b>25</b>	<b>Steps to be taken after application decided</b>	1
(1)	If the board decides to accredit the school, the board must, as soon as practicable—	2 3
(a)	give the applicant and the Minister notice of the decision; and	4 5
(b)	publish notice of the decision on the board’s website.	6
(2)	If the board decides to refuse to accredit the school, the board must as soon as practicable give the applicant an information notice about the decision.	7 8 9
<b>Subdivision 3</b>	<b>Suitability of school’s governing body</b>	10 11
<b>26</b>	<b>Suitability of governing body</b>	12
(1)	This section applies if the board is deciding—	13
(a)	whether the proposed governing body of a school is suitable to be the school’s governing body; or	14 15
(b)	whether the governing body of an accredited school is suitable to continue to be the school’s governing body.	16 17
(2)	In making its decision, the board may have regard to the following matters—	18 19
(a)	the governing body’s relationship with other entities;	20
(b)	whether the governing body has appropriate guiding principles and procedures for identifying, declaring and dealing with any conflict of interest a director of the governing body may have in relation to an aspect of the operation of the school;	21 22 23 24 25
(c)	the conduct of the governing body, or its directors, in relation to the operation of the school;	26 27

[s 27]

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- (d) if the governing body has a conviction for an offence—the nature of, and circumstances of the commission of, the offence; 1  
2  
3
- (e) if any of the governing body’s directors has a conviction, other than a spent conviction, for an indictable offence—the nature of, and circumstances of the commission of, the offence; 4  
5  
6  
7
- (f) a criminal history report about the governing body or a director of the governing body obtained under section 28; 8  
9  
10
- (g) a report of an authorised person obtained under section 29(1); 11  
12
- (h) any other matter the board considers relevant. 13
- (3) The governing body of a school is not suitable to be, or to continue to be, a school’s governing body unless each director of the governing body has— 14  
15  
16
- (a) a current positive notice; or 17
- (b) a current positive exemption notice. 18
- (4) In this section— 19
- conviction*, for an indictable offence, means being found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction is recorded. 20  
21  
22
- indictable offence* includes an indictable offence dealt with summarily. 23  
24

## 27 Investigation 25

To help in deciding whether an entity is, or continues to be, suitable to be a school’s governing body, the board may investigate the following— 26  
27  
28

- (a) a school’s proposed governing body that is the applicant for the accreditation of the school; 29  
30
- (b) the governing body of an accredited school; 31

- 
- (c) the proposed governing body of an accredited school. 1
- 28 Criminal history reports for investigation 2**
- (1) In investigating the governing body or proposed governing 3  
body of a school under section 27, the board may ask the 4  
commissioner of the police service for— 5
- (a) a written report about the criminal history of the 6  
governing body or a director of the governing body; and 7
- (b) a brief description of the circumstances of a conviction 8  
mentioned in the criminal history. 9
- (2) The commissioner of the police service must comply with the 10  
request. 11
- (3) The duty imposed on the commissioner of the police service 12  
to comply with the request applies only to information in the 13  
commissioner’s possession or to which the commissioner has 14  
access. 15
- (4) The board must ensure the report and any other document or 16  
information given to the board by the commissioner of the 17  
police service is destroyed as soon as practicable after it is no 18  
longer needed for the purpose for which it was requested. 19
- 29 Report by authorised person 20**
- (1) Before making a decision mentioned in section 26(1), the 21  
board may obtain a written report from an authorised person 22  
about whether a governing body or proposed governing body 23  
of a school is suitable to be the governing body of the school. 24
- (2) To prepare the report, the authorised person may exercise the 25  
authorised person’s powers under chapter 4, part 2. 26

[s 30]

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<b>Division 3</b>	<b>Assessment of schools</b>	1
<b>30</b>	<b>Initial assessment of school</b>	2
(1)	The board must, on or after the assessment day for each type of education an accredited school is accredited to provide, start an assessment of the school to decide whether—	3 4 5
(a)	the school is complying with the school’s accreditation criteria; and	6 7
(b)	the governing body of the school is suitable to continue to be the governing body of the school.	8 9
(2)	In this section—	10
	<i>assessment day</i> , for a type of education an accredited school is accredited to provide, means—	11 12
(a)	the day, of which the board has given notice to the school’s governing body, that is—	13 14
(i)	at least 60 days after the student-intake day for the type of education; and	15 16
(ii)	within 6 months after the student-intake day for the type of education; or	17 18
(b)	another day agreed to by the board and the school’s governing body.	19 20
<b>31</b>	<b>Additional assessment of establishment phase school</b>	21
(1)	This section applies to a school that—	22
(a)	was an establishment phase school for a year of schooling; and	23 24
(b)	has started to provide education for the year of schooling on the student-intake day for the year of schooling.	25 26 27



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- (2) The board must, on or after the assessment day, start an assessment of the school to decide whether the school is complying with the school's accreditation criteria. 1  
2  
3
- (3) In this section— 4  
*assessment day* means— 5
- (a) the day, of which the board has given notice to the school's governing body, that is— 6  
7
- (i) at least 60 days after the student-intake day for the year of schooling; and 8  
9
- (ii) within 6 months after the latest student-intake day for the years of schooling for the sector of schooling within which the school has started to operate; or 10  
11  
12  
13
- (b) another day agreed to by the board and the school's governing body; or 14  
15
- sector of schooling* means any of the following groups of years of schooling— 16  
17
- (a) preparatory year to year 3; 18
- (b) years 4 to 6; 19
- (c) years 7 to 10; 20
- (d) years 11 and 12. 21

**32 Assessment when school starts to operate at new site 22**

- (1) This section applies to a school that has started to operate at a site (a *new site*) at which the school has not previously operated. 23  
24  
25
- (2) The board must, on or after the assessment day, start an assessment of the school, in relation to the provision of education at the new site, to decide whether the school is complying with the accreditation criteria. 26  
27  
28  
29
- (3) In this section— 30

[s 33]

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<i>assessment day</i> means—	1
(a) the day, of which the board has given notice to the governing body, that is—	2 3
(i) at least 60 days after the day the school starts to operate at the new site; and	4 5
(ii) within 6 months after the day the school starts to operate at the new site; or	6 7
(b) another day agreed to by the board and the school's governing body.	8 9
<b>33 Report by authorised person</b>	10
(1) To assess a school under this division, the board must obtain a written report from an authorised person about whether the school is complying with the accreditation criteria.	11 12 13
(2) If the report is for an assessment under section 30, the report may also be about whether the governing body is suitable to continue to be the school's governing body.	14 15 16
(3) To prepare the report, the authorised person may exercise the authorised person's powers under chapter 4, part 2.	17 18
<b>Part 3 Changes to accreditation</b>	19
<b>Division 1 Changes to student-intake days</b>	20
<b>34 Definition for division</b>	21
In this division—	22
<i>relevant student-intake day</i> , for a school, means the student-intake day for a type of education or a year of schooling provided at the school.	23 24 25

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- 35 Application to change relevant student-intake day** 1
- (1) The board may, on application by the governing body of an accredited school, change a relevant student-intake day for the school. 2  
3  
4
- (2) Subsection (1) applies even if the relevant student-intake day has already been changed under this section. 5  
6
- (3) Despite section 19(3), the governing body may apply to change the student-intake day for a type of education for the school to a day that is more than 4 years after the day the application for accreditation of the school was made to the board. 7  
8  
9  
10  
11
- (4) The application must— 12
- (a) be made to the board; and 13
- (b) be in the approved form; and 14
- (c) be accompanied by the fee prescribed by regulation; and 15
- (d) be made at least 45 days before the relevant student-intake day (the *45 day period*). 16  
17
- (5) However, the board may consider an application to change a relevant student-intake day made within the 45 day period if the board is satisfied unforeseen circumstances arose within the period that prevented the school from providing a type of education or a year of schooling by the relevant student-intake day. 18  
19  
20  
21  
22  
23
- 36 Deciding application** 24
- (1) The board must consider the application and decide— 25
- (a) to change the relevant student-intake day to the day sought in the application; or 26  
27
- (b) not to change the relevant student-intake day. 28
- (2) The board may only decide to change the relevant student-intake day if the board is satisfied that, because of 29  
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[s 37]

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	unforeseen circumstances, the school will not comply with the accreditation criteria by the relevant student-intake day.	1 2
(3)	If the board decides to change the relevant student-intake day, the board must as soon as practicable give the school's governing body notice of the decision.	3 4 5
(4)	If the board decides not to change the relevant student-intake day, the board must as soon as practicable give the school's governing body an information notice about the decision.	6 7 8
(5)	A decision not to change the relevant student-intake day does not take effect until—	9 10
	(a) the last day to apply for a review of the decision; or	11
	(b) if an application is made for a review of the decision—the day the application is decided or otherwise disposed of.	12 13 14
<b>37</b>	<b>Further information or documents</b>	15
(1)	The board may, by notice given to the applicant, require the applicant to give the board, within a stated reasonable period of at least 30 days, further information or a document the board reasonably requires to decide the application.	16 17 18 19
(2)	The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement.	20 21 22
(3)	In giving the notice, the board must have regard to the time remaining for the board to decide the application.	23 24
<b>38</b>	<b>Failure to decide application</b>	25
(1)	This section applies if the board fails to decide the application by the relevant student-intake day to which the application relates.	26 27 28
(2)	The failure is taken to be a decision of the board to refuse the application.	29 30

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(3)	The board must, as soon as practicable, give the applicant an information notice about the decision.	1 2
<b>Division 2</b>	<b>Changes to attributes of accreditation</b>	3 4
<b>Subdivision 1</b>	<b>Applications to change attributes of accreditation</b>	5 6
<b>39</b>	<b>Application to change attribute of accreditation</b>	7
(1)	An accredited school's governing body may apply to the board to change an attribute of accreditation of the school.	8 9
(2)	The application must—	10
(a)	be in the approved form; and	11
(b)	be accompanied by the fee prescribed by regulation.	12
(3)	If the change will result in the school being allowed to provide education for a new year of schooling, the application must include the student-intake day for the year of schooling.	13 14 15
(4)	If the application is about a change in the school's governing body, the application must be accompanied by copies of current positive notices or current positive exemption notices for all the directors of the proposed governing body.	16 17 18 19
(5)	The board must, within 28 days after receiving the application, give ISQ, QCEC and the chief executive a notice—	20 21 22
(a)	stating the board has received the application; and	23
(b)	summarising the proposed change to the school's attribute of accreditation.	24 25

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- 40 Deciding application** 1
- (1) The board must consider the application and decide to grant, 2  
or to refuse to grant, the application. 3
- (2) If the application is about a change in the school’s governing 4  
body, the board may decide to grant the application only if the 5  
board is satisfied— 6
- (a) the proposed new governing body is a corporation; and 7
- (b) the proposed new governing body is suitable to be the 8  
school’s governing body; and 9
- Note—* 10  
See section 26 for suitability of governing body. 11
- (c) if the school’s governing body is eligible for 12  
government funding for the school and the proposed 13  
new governing body intends to be eligible for 14  
government funding for the school—the proposed new 15  
governing body will meet the government funding 16  
eligibility criteria when the change has effect. 17
- (3) For deciding whether the proposed new governing body is 18  
suitable to be the governing body of the school, part 2, 19  
division 2, subdivision 3 applies as if the application were an 20  
application for accreditation. 21
- (4) If the application is about a change in an attribute of 22  
accreditation other than a change in the school’s governing 23  
body, the board may decide to grant the application only if the 24  
board is satisfied the school will comply with the 25  
accreditation criteria when the change has effect. 26
- (5) If the board decides to grant the application, the board must as 27  
soon as practicable give the applicant a notice (a **change** 28  
**notice**) stating— 29
- (a) the decision; and 30
- (b) the day (the **change day**) before which the change must 31  
have effect. 32

- 
- (6) If the board decides to refuse to grant the application, the board must as soon as practicable give the applicant an information notice about the decision. 1  
2  
3
- 41 Further information or documents 4**
- (1) The board may, by notice given to the applicant, require the applicant to give the board, within a stated reasonable period of at least 30 days, further information or a document the board reasonably requires to decide the application. 5  
6  
7  
8
- (2) The notice may require the information or document to be verified by a statutory declaration. 9  
10
- (3) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement. 11  
12  
13
- (4) In giving the notice, the board must have regard to the time remaining for the board to decide the application. 14  
15
- 42 Failure to decide application 16**
- (1) If the board fails to decide the application within 6 months after receiving the application— 17  
18
- (a) the failure is taken to be a decision of the board to refuse to grant the application; and 19  
20
- (b) the board must, as soon as practicable, give the applicant an information notice about the decision. 21  
22
- (2) This section is subject to section 43. 23
- 43 Extension of time to decide application 24**
- (1) This section applies if the board considers it needs more time to decide the application. 25  
26
- (2) The applicant and board may, at any time before the day that is 6 months after the day on which the board received the 27  
28

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	application, agree in writing on a day (the <i>agreed day</i> ) by which the decision is to be made.	1 2
(3)	If the board fails to make the decision by the agreed day—	3
(a)	the failure is taken to be a decision of the board to refuse to grant the application; and	4 5
(b)	the board must, as soon as practicable, give the applicant an information notice about the decision.	6 7
<b>44</b>	<b>Failure to effect change of attribute of accreditation before change day</b>	8 9
(1)	This section applies if—	10
(a)	an accredited school’s governing body receives a change notice about an attribute of accreditation applying to the school; and	11 12 13
(b)	the change is not given effect before the change day stated in the notice.	14 15
(2)	The change notice is of no effect and the board is not authorised to make the change to the attribute of accreditation for the school to which the notice relates.	16 17 18
<b>45</b>	<b>Proposed governing body taken to have applied to be eligible for government funding</b>	19 20
(1)	This section applies if—	21
(a)	the school’s governing body is eligible for government funding for the school; and	22 23
(b)	the application is about a change in the school’s governing body; and	24 25
(c)	the proposed new governing body intends to be eligible for government funding for the school.	26 27
(2)	The proposed new governing body of the school is taken to have made an application to be for eligible government funding for the school under section 78 on the day the board	28 29 30



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received the application about the change in the school's governing body. 1  
2

- (3) If the proposed new governing body is taken to have made an application to be eligible government funding under subsection (2), the board must decide the application under chapter 3, part 2. 3  
4  
5  
6

**Subdivision 2 Notice of attribute of accreditation no longer applying** 7  
8

**46 Notice of attribute of accreditation no longer applying** 9

- (1) A school's governing body may, by notice given to the board, advise the board that an attribute of accreditation of the school no longer applies to the school. 10  
11  
12
- (2) The attribute of accreditation stops applying to the school on the later of the following— 13  
14
- (a) the end of 7 days after the day the notice is given; 15
- (b) the day stated in the notice. 16
- (3) The board must, as soon as practicable after the attribute of accreditation stops applying to the school— 17  
18
- (a) amend the register to remove the attribute from the attributes of accreditation applying to the school; and 19  
20
- (b) give the governing body of the school notice that the attribute of accreditation no longer applies to the school. 21  
22

[s 47]

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<b>Part 4</b>	<b>Special assistance schools—use of temporary sites</b>	1
		2
		3
<b>47</b>	<b>Purpose of part</b>	4
(1)	The purpose of this part is to enable a special assistance school to provide, on a temporary basis, special assistance at a temporary site.	5 6 7
(2)	However, special assistance may be provided at a temporary site only in accordance with the attributes of accreditation mentioned in section 19(4)(c) for the school’s accredited special assistance sites.	8 9 10 11
<b>48</b>	<b>Definitions for part</b>	12
	In this part—	13
	<i>accredited special assistance site</i> , for a special assistance school, means a site mentioned in section 19(4)(e) at which the school provides special assistance.	14 15 16
	<i>public place</i> means a place, or part of a place—	17
(a)	the public is entitled to use, whether or not on payment of money; or	18 19
(b)	the occupier of which allows, whether or not on payment of money, members of the public to enter, other than—	20 21 22
(i)	a school; or	23
(ii)	a State educational institution within the meaning of the <i>Education (General Provisions) Act 2006</i> , schedule 4.	24 25 26
	<i>site</i> does not include—	27
(a)	a vehicle; or	28
(b)	a public place; or	29

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(c)	a place where a person resides.	1
	<i>temporary site</i> , in relation to a special assistance school, means a site other than an accredited special assistance site for the school.	2 3 4
	<i>temporary site criteria</i> see section 49(1).	5
	<i>vehicle</i> means—	6
(a)	a motor vehicle, train or aircraft; or	7
(b)	a ship, boat or any other kind of vessel; or	8
(c)	anything else used or to be used to carry people or goods from place to place.	9 10
<b>49</b>	<b>Compliance with temporary site criteria</b>	11
(1)	A special assistance school that provides special assistance at a temporary site must comply with the criteria prescribed by regulation for temporary sites (the <i>temporary site criteria</i> ).	12 13 14
	<i>Note</i> —	15
	Noncompliance with the temporary site criteria is a ground for cancellation of accreditation—see section 66.	16 17
(2)	Without limiting subsection (1), a regulation may limit the period for which a special assistance school may provide special assistance at a temporary site.	18 19 20
<b>50</b>	<b>Notification of intention to use, or stop using, temporary site</b>	21 22
(1)	Before the governing body of a special assistance school starts providing special assistance at a temporary site for the first time, the governing body must give the board—	23 24 25
(a)	notice, in the approved form, of the governing body’s intention to start providing special assistance at the temporary site; and	26 27 28
(b)	evidence the school is entitled to occupy the site; and	29
(c)	a declaration by the governing body that—	30

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	(i) the school needs to provide special assistance at the site for stated reasons; and	1 2
	(ii) the school will comply with the temporary site criteria while special assistance is provided at the site.	3 4 5
(2)	If the governing body stops providing special assistance at a temporary site, the governing body must give the board notice, in the approved form, that the body has stopped providing special assistance at the temporary site.	6 7 8 9
(3)	The board must give the governing body a notice acknowledging receipt of the things mentioned in subsection (1)(a) to (c) or (2).	10 11 12
<b>51</b>	<b>Use of temporary site is not a change in attribute etc.</b>	13
(1)	This section applies if a special assistance school—	14
(a)	provides special assistance at a temporary site; and	15
(b)	complies with this part, including the temporary site criteria, in relation to providing special assistance at the site.	16 17 18
(2)	The provision of the special assistance at the temporary site by the school does not, of itself—	19 20
(a)	require the governing body to apply for accreditation of the school in relation to the temporary site; or	21 22
(b)	constitute a change in an attribute of accreditation of the school.	23 24
<b>52</b>	<b>Assessment of special assistance school using temporary site</b>	25 26
(1)	This section applies to a special assistance school that is providing special assistance at a temporary site.	27 28
(2)	The board may assess the special assistance school to decide whether it is complying with the temporary site criteria.	29 30

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<b>53</b>	<b>Report by authorised person</b>	1
(1)	To assess the special assistance school under section 52, the board must obtain a written report from an authorised person about whether the school is complying with the temporary site criteria.	2 3 4 5
(2)	To prepare the report, the authorised person may exercise the authorised person’s powers under chapter 4, part 2.	6 7
<b>Part 5</b>	<b>Amalgamations and divisions of accredited schools</b>	8 9
<b>Division 1</b>	<b>Application of part</b>	10
<b>54</b>	<b>Part does not apply for particular schools</b>	11
	This part does not apply in relation to a school if the governing body of the school—	12 13
(a)	has been given a compliance notice under section 62(3) or 87(2) in relation to the school and the compliance notice has not been finally dealt with; or	14 15 16
(b)	has been given a show cause notice under section 67(2) or 90(2) in relation to the school and the notice has not been finally dealt with; or	17 18 19
(c)	has been given an information notice about a decision made by the board in relation to the school and—	20 21
(i)	the governing body of the school has applied for a review of the decision and the review has not been finally dealt with; or	22 23 24
(ii)	the period within which the governing body may apply for a review of the decision has not ended.	25 26

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<b>Division 2</b>	<b>Amalgamation of accredited schools</b>	1 2
<b>55</b>	<b>Application of division</b>	3
	This division applies if—	4
	(a) the governing bodies of 2 or more accredited schools (each an <i>amalgamating school</i> ) propose to amalgamate the schools into 1 school (the <i>amalgamated school</i> ); and	5 6 7
	(b) the governing body of 1 of the amalgamating schools will be the governing body of the amalgamated school; and	8 9 10
	(c) the sites from which the amalgamated school will operate are sites from which the amalgamating schools operate.	11 12 13
<b>56</b>	<b>Notice of intention to amalgamate schools</b>	14
	(1) The governing bodies of the amalgamating schools may give the board notice (an <i>amalgamation notice</i> ), in the approved form, of the intention to amalgamate the schools.	15 16 17
	(2) The approved form must require the inclusion of the following—	18 19
	(a) the proposed name for the amalgamated school;	20
	(b) the proposed day on which the amalgamating schools are to be amalgamated;	21 22
	(c) the proposed type of education the amalgamated school will provide;	23 24
	(d) the proposed attributes of accreditation of the amalgamated school.	25 26

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<b>57</b>	<b>Decision about amalgamation of school</b>	1
(1)	If the board is satisfied the proposed attributes of accreditation for each site at which the amalgamated school is to operate are the same as the attributes of accreditation for the site under the accreditation for the amalgamating school operating at the site—	2 3 4 5 6
(a)	the governing bodies of the amalgamating schools are taken to have surrendered the accreditations of the schools under section 73(1); and	7 8 9
(b)	the proposed governing body of the amalgamated school is taken to have made an application for accreditation of the amalgamated school under section 18; and	10 11 12
(c)	the board is taken to have decided to accredit the amalgamated school under section 21.	13 14
(2)	If subsection (1)(c) applies, the board must—	15
(a)	remove the amalgamating schools from the register and record the date of the removal; and	16 17
(b)	record the following details about the amalgamated school on the register—	18 19
(i)	the name of the school;	20
(ii)	the type of education the school provides;	21
(iii)	the attributes of accreditation of the school; and	22
(c)	record the date the details for the school were entered on the register; and	23 24
(d)	give the governing body of each amalgamating school notice of—	25 26
(i)	the decision to accredit the amalgamated school; and	27 28
(ii)	the surrender of the accreditation of the amalgamating schools; and	29 30
(iii)	the removal of the amalgamating schools from the register.	31 32

[s 58]

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- (3) If the board decides it is not satisfied the proposed attributes of accreditation for each site at which the amalgamated school will operate are the same as the attributes of accreditation for the site under the accreditation for the amalgamating school operating at the site, the board must give the governing body of each amalgamating school an information notice about the decision. 1  
2  
3  
4  
5  
6  
7
- (4) Subsection (3) does not prevent a governing body from— 8
- (a) applying to accredit an amalgamated school under part 2, division 2; or 9  
10
- (b) surrendering the accreditation of an amalgamating school under part 6, division 3. 11  
12

### **Division 3                      Division of accredited schools** 13

#### **58            Application of division** 14

This division applies if— 15

- (a) the governing body of an accredited school (a *dividing school*) proposes to divide the school into 2 or more accredited schools (each a *separated school*); and 16  
17  
18
- (b) the governing body of the dividing school will be the governing body of each of the separated schools. 19  
20

#### **59            Notice of intention to divide accredited school** 21

- (1) The governing body may give the board notice (a *division notice*), in the approved form, of the intention to divide the school. 22  
23  
24
- (2) The approved form must require the inclusion of the following— 25  
26
- (a) the proposed governing body for each separated school; 27
- (b) the proposed name for each separated school; 28



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(c)	the proposed date on which the dividing school is to be divided;	1 2
(d)	the proposed type of education each separated school will provide;	3 4
(e)	the proposed attributes of accreditation of each separated school.	5 6
<b>60</b>	<b>Decision about division of accredited school</b>	7
(1)	If the board is satisfied the proposed attributes of accreditation for each site at which a separated school is to operate are the same as the attributes of accreditation for the site under the accreditation for the dividing school—	8 9 10 11
(a)	the governing body is taken to have—	12
(i)	surrendered the accreditation of the dividing school under section 73(1); and	13 14
(ii)	made an application for accreditation of each separated school under section 18; and	15 16
(b)	the board is taken to have decided to accredit each separated school under section 21.	17 18
(2)	If subsection (1)(b) applies, the board must—	19
(a)	remove the details for the dividing school from the register and record the date of the removal; and	20 21
(b)	record the following details, stated in the division notice, for each separated school on the register—	22 23
(i)	the name of the school;	24
(ii)	the type of education the school provides;	25
(iii)	the attributes of accreditation of the school; and	26
(c)	record the date the details for the school were entered on the register; and	27 28
(d)	give the governing body of the dividing school notice of—	29 30

[s 61]

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	(i) the decision to accredit each separated school; and	1
	(ii) the surrender of the accreditation of the dividing school; and	2 3
	(iii) the removal of the dividing school from the register.	4 5
(3)	If the board decides it is not satisfied the proposed attributes of accreditation for each separated school are the same as the attributes of accreditation for the dividing school, the board must give the governing body of the dividing school an information notice about the decision.	6 7 8 9 10
(4)	Subsection (3) does not prevent a governing body from—	11
	(a) applying to accredit a separated school under part 2, division 2; or	12 13
	(b) surrendering the accreditation of a dividing school under part 6, division 3.	14 15
<b>Division 4</b>	<b>Deemed eligibility for government funding</b>	16 17
<b>61</b>	<b>Deemed eligibility for government funding</b>	18
(1)	This section applies to the governing body of—	19
	(a) an amalgamated school the board is taken to have decided to accredit under section 57(1)(c) if the governing bodies of the amalgamating schools were, immediately before the amalgamation, eligible for government funding; or	20 21 22 23 24
	(b) a separated school the board is taken to have decided to accredit under section 60(1)(b) if the governing body of the dividing school was, immediately before the division, eligible for government funding.	25 26 27 28
(2)	The governing body is taken to be eligible for government funding for the school.	29 30

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<b>Part 6</b>	<b>Amendment, cancellation and surrender of accreditations</b>	1 2
<b>Division 1</b>	<b>Giving compliance notices</b>	3
<b>62</b>	<b>Compliance notice</b>	4
(1)	This section applies if—	5
(a)	the board reasonably believes—	6
(i)	an accredited school—	7
(A)	is not complying with an accreditation criterion; or	8 9
(B)	has not complied with an accreditation criterion in circumstances that make it likely the noncompliance will continue or be repeated; and	10 11 12 13
(ii)	a matter relating to the noncompliance is reasonably capable of being rectified; and	14 15
(iii)	it is appropriate to give the school’s governing body an opportunity to rectify the matter; and	16 17
(b)	the board has not given a show cause notice about the matter to the governing body.	18 19
(2)	This section also applies if—	20
(a)	the board reasonably believes—	21
(i)	the governing body of an accredited school is not, or is no longer, suitable to be the school’s governing body; and	22 23 24
	<i>Note—</i>	25
	See section 26 for suitability of governing body.	26
(ii)	a matter relating to the governing body’s suitability is reasonably capable of being rectified; and	27 28

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[s 62]

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- (iii) it is appropriate to give the school's governing body an opportunity to rectify the matter; and 1  
2
  - (b) the board has not given a show cause notice about the matter to the governing body. 3  
4
- (3) The board may give the governing body a notice (a *compliance notice*) requiring the governing body to rectify the matter. 5  
6  
7
- (4) The compliance notice must state all of the following— 8
  - (a) for a compliance notice about a matter mentioned in subsection (1)(a)(i)— 9  
10
    - (i) that the board believes the school— 11
      - (A) is not complying with an accreditation criterion; or 12  
13
      - (B) has not complied with an accreditation criterion in circumstances that make it likely the noncompliance will continue or be repeated; and 14  
15  
16  
17
    - (ii) the accreditation criterion the board believes is not being, or has not been, complied with; and 18  
19
    - (iii) briefly, how the board believes the accreditation criterion is not being, or has not been, complied with; 20  
21  
22
  - (b) for a compliance notice about a matter relating to a governing body's suitability— 23  
24
    - (i) that the board believes the governing body of the accredited school is not, or is no longer, suitable to be the school's governing body; and 25  
26  
27
    - (ii) briefly, the reasons for the board's belief; 28
  - (c) the matter relating to the noncompliance or suitability the board believes is reasonably capable of being rectified; 29  
30  
31

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(d)	the reasonable steps the governing body must take to rectify the matter;	1 2
(e)	that the governing body must take the steps within a stated reasonable period.	3 4
(5)	The governing body must comply with the compliance notice, unless the governing body has a reasonable excuse.	5 6
<b>63</b>	<b>Report by authorised person</b>	7
(1)	The board may obtain a written report from an authorised person to help the board decide—	8 9
(a)	whether to give a school’s governing body a compliance notice under this division; or	10 11
(b)	whether a school’s governing body has complied with a compliance notice given to the governing body under this division.	12 13 14
(2)	To prepare the report, the authorised person may exercise the authorised person’s powers under chapter 4, part 2.	15 16
<b>Division 2</b>	<b>Amendment and cancellation of accreditations</b>	17 18
<b>64</b>	<b>Definition for division</b>	19
	In this division—	20
	<i>relevant attribute of accreditation</i> , for a school, means—	21
(a)	a student-intake day for a year of schooling for the school; or	22 23
(b)	an attribute of accreditation of the school that relates to the following—	24 25
(i)	the location of the sites at which the school operates;	26 27

[s 65]

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- (ii) the provision of boarding facilities at a site at which the school operates; 1  
2
  - (iii) the years of education provided by the school at a site at which the school operates; 3  
4
  - (iv) the mode of delivery of education used by the school at a site at which the school operates. 5  
6
- 65 Grounds for amendment** 7
- Each of the following is a ground for amending a school's accreditation by removing or amending a relevant attribute of accreditation for the school— 8  
9  
10
- (a) for an attribute relating to a type of education provided by the school—after the student-intake day for the type of education, the school is not complying, or has not complied, with the accreditation criteria relating to the attribute; 11  
12  
13  
14  
15
  - (b) there has been a change, without the board's approval under part 3, in the relevant attribute of accreditation; 16  
17
  - (c) for a school that is an establishment phase school for a year of schooling—the school does not start to provide education for the year of schooling by the day that is 6 months after the student-intake day for the year of schooling. 18  
19  
20  
21  
22
- 66 Grounds for cancellation** 23
- (1) Each of the following is a ground for cancelling a school's accreditation for a type of education— 24  
25
    - (a) the school was accredited because of a materially false or misleading representation or declaration; 26  
27
    - (b) the school's governing body is not a corporation; 28
    - (c) the school's governing body is not, or is no longer, suitable to be the school's governing body; 29  
30

- 
- Note—* 1
- See section 26 for suitability of governing body. 2
- (d) after the student-intake day for the type of education, the 3  
school is not complying, or has not complied, with the 4  
accreditation criteria relating to the type of education; 5
- (e) there has been a change, without the board’s approval 6  
under part 3, in an attribute of accreditation for the 7  
school; 8
- (f) the school’s governing body has not complied with 9  
section 170(2); 10
- (g) the board is not satisfied the information or documents 11  
given by the school’s governing body to the board under 12  
section 170 are adequate in helping the board to decide 13  
whether the school is complying with the accreditation 14  
criteria; 15
- (h) the school has not provided the type of education for at 16  
least 6 consecutive months; 17
- (i) if the school is a special assistance school— 18
- (i) the school’s governing body has not complied with 19  
section 50(1) or (2); or 20
- (ii) the declaration given by the school’s governing 21  
body under 50(1)(c) included a materially false or 22  
misleading representation; or 23
- (iii) the school is not complying, or has not complied, 24  
with the temporary site criteria; 25
- (j) the school’s governing body did not allow an authorised 26  
person to enter the school’s premises under section 137. 27
- (2) Also, it is a ground for cancelling a school’s accreditation to 28  
provide primary education if the school provides education in 29  
the preparatory year without providing primary education for 30  
years 1 to 3. 31

[s 67]

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<b>67</b>	<b>Show cause notice</b>	1
(1)	This section applies if—	2
(a)	the board reasonably believes a ground exists to—	3
(i)	amend a school’s accreditation by removing or amending a relevant attribute of accreditation; or	4 5
(ii)	cancel a school’s accreditation for a type of education; and	6 7
(b)	the board—	8
(i)	has not given, and does not propose to give, the school’s governing body a compliance notice to rectify a matter to which the ground relates; or	9 10 11
(ii)	has given the school’s governing body a compliance notice to rectify a matter to which the ground relates and the governing body—	12 13 14
(A)	has not complied with the compliance notice within the period stated in the notice; and	15 16
(B)	does not have a reasonable excuse for not complying.	17 18
(2)	The board must give the governing body a notice (a <i>show cause notice</i> ) stating the following—	19 20
(a)	the action (the <i>proposed action</i> ) the board proposes taking under this division;	21 22
(b)	the grounds for the proposed action;	23
(c)	an outline of the facts and circumstances forming the basis for the grounds;	24 25
(d)	an invitation to the governing body to make a written representation to the board within a stated period of at least 30 days after the show cause notice is given to show why the proposed action should not be taken.	26 27 28 29
(3)	The governing body may make a written representation about the show cause notice to the board in the period mentioned in subsection (2)(d) (an <i>accepted representation</i> ).	30 31 32



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<b>68</b>	<b>Considering representations about show cause notice</b>	1
	Before taking the proposed action stated in the show cause notice, the board must consider all accepted representations for the notice.	2 3 4
<b>69</b>	<b>Ending show cause process without further action</b>	5
	If, after considering the accepted representations for the show cause notice, the board no longer believes a ground exists to amend or cancel the accreditation, the board—	6 7 8
	(a) must not take further action about the show cause notice; and	9 10
	(b) must, as soon as practicable, give notice to the school’s governing body that no further action is to be taken about the show cause notice.	11 12 13
<b>70</b>	<b>Amendment</b>	14
	(1) This section applies if, after considering the accepted representations for a show cause notice about the proposed amendment of a school’s accreditation, the board—	15 16 17
	(a) still believes a ground exists to amend the school’s accreditation by removing or amending a relevant attribute of accreditation; and	18 19 20
	(b) believes amendment of the school’s accreditation by removing or amending the relevant attribute of accreditation is warranted.	21 22 23
	(2) This section also applies if there are no accepted representations for the show cause notice.	24 25
	(3) The board may decide to amend the school’s accreditation by removing or amending the relevant attribute of accreditation.	26 27
	(4) The board must, as soon as practicable, give an information notice about the decision to the school’s governing body.	28 29
	(5) The decision does not take effect until—	30

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[s 71]

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- (a) the last day to apply for a review of the decision; or 1
- (b) if an application is made for a review of the 2  
decision—the day the application is decided or 3  
otherwise disposed of. 4

**71 Cancellation** 5

- (1) This section applies if, after considering the accepted 6  
representations for a show cause notice about the proposed 7  
cancellation of a school’s accreditation, the board— 8
  - (a) still believes a ground exists to cancel the accreditation; 9  
and 10
  - (b) believes cancellation of the accreditation is warranted. 11
- (2) This section also applies if there are no accepted 12  
representations for the show cause notice. 13
- (3) The board may decide to cancel the accreditation. 14
- (4) The board must, as soon as practicable, give an information 15  
notice about the decision to the school’s governing body. 16
- (5) The decision does not take effect until— 17
  - (a) the last day to apply for a review of the decision; or 18
  - (b) if an application is made for a review of the 19  
decision—the day the application is decided or 20  
otherwise disposed of. 21

**72 Report by authorised person** 22

- (1) The board may obtain a written report from an authorised 23  
person to help the board decide— 24
  - (a) whether to give a show cause notice under this division; 25  
or 26
  - (b) whether to end the show cause process under section 69; 27  
or 28

- 
- (c) whether to amend or cancel a school's accreditation under section 70 or 71. 1  
2
  - (2) To prepare the report, the authorised person may exercise the authorised person's powers under chapter 4, part 2. 3  
4

## **Division 3                      Surrender of accreditations** 5

### **73                      Surrender** 6

- (1) A school's governing body may, by notice given to the board, surrender an accreditation of the school. 7  
8
- (2) The surrender takes effect on the later of the following— 9
  - (a) the end of 7 days after the day the notice is given; 10
  - (b) the day stated in the notice for the surrender. 11
- (3) Subsection (4) applies if— 12
  - (a) a governing body surrenders an accreditation for a school; and 13  
14
  - (b) the governing body was eligible for government funding for the school for which the accreditation is surrendered. 15  
16
- (4) The governing body is not eligible for government funding for the school from the day the surrender takes effect. 17  
18

## **Part 7                                      Offences** 19

### **74                      Operating a school without accreditation** 20

- A person must not operate a school unless the school is an accredited school. 21  
22
- Maximum penalty—100 penalty units. 23

[s 75]

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<b>75</b>	<b>Operating an accredited school before its student-intake day</b>	1 2
	The governing body of an accredited school must not provide a type of education at the school before the student-intake day for the type of education.	3 4 5
	Maximum penalty—100 penalty units.	6
<b>76</b>	<b>Claim about accreditation of school</b>	7
	A person must not hold out a school as being an accredited school if it is not an accredited school.	8 9
	Maximum penalty—100 penalty units.	10
<b>Chapter 3</b>	<b>Eligibility for government funding</b>	11 12
<b>Part 1</b>	<b>Preliminary</b>	13
<b>77</b>	<b>Eligibility for government funding</b>	14
	A governing body of a school is <i>eligible for government funding</i> for the school if the board is satisfied the governing body meets the government funding eligibility criteria.	15 16 17

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<b>Part 2</b>	<b>Applications for eligibility for government funding</b>	1 2
<b>78</b>	<b>Governing body of school may apply for eligibility for government funding</b>	3 4
(1)	The governing body of an accredited school may apply to be eligible for government funding for the school.	5 6
(2)	The application must—	7
(a)	be in the approved form; and	8
(b)	be made to the board; and	9
(c)	be accompanied by the fee prescribed by regulation.	10
<b>79</b>	<b>Deemed applications for eligibility for government funding</b>	11 12
(1)	This section applies if—	13
(a)	the governing body of a school applies for accreditation of the school; and	14 15
(b)	the governing body indicates in the application that the governing body seeks to be eligible for government funding for the school.	16 17 18
(2)	The governing body is taken to have made an application to be eligible for government funding for the school under section 78 on the day the board received the application for accreditation of the school.	19 20 21 22
(3)	The application to be eligible for government funding for the school is taken to have been withdrawn if the board—	23 24
(a)	decides to refuse to accredit the school under section 21(3); or	25 26
(b)	is taken to have refused to accredit the school under section 23(1)(a).	27 28

[s 80]

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<b>80</b>	<b>Decision about governing body's eligibility for government funding</b>	1 2
(1)	The board must consider the application and decide whether or not the board is satisfied the governing body meets the government funding eligibility criteria.	3 4 5
(2)	If the board is satisfied the governing body meets the government funding eligibility criteria, the board must decide the governing body is eligible for government funding for the school.	6 7 8 9
(3)	If the board is not satisfied the governing body meets the government funding eligibility criteria, the board must decide the governing body is not eligible for government funding for the school.	10 11 12 13
<b>81</b>	<b>Further information or documents</b>	14
(1)	Before deciding the application, the board may, by notice given to the applicant, require the applicant to give the board, within a reasonable period of at least 30 days stated in the notice, further information or a document the board reasonably requires to make the decision.	15 16 17 18 19
(2)	The notice may require the information or document to be verified by a statutory declaration.	20 21
(3)	The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement.	22 23 24
<b>82</b>	<b>Failure to decide application</b>	25
(1)	If the board fails to decide the application within 6 months after receiving the application—	26 27
(a)	the failure is taken to be a decision of the board that the governing body is not eligible for government funding for the school; and	28 29 30

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(b)	the board must, as soon as practicable, give the applicant an information notice about the decision.	1 2
(2)	This section is subject to section 83.	3
<b>83</b>	<b>Extension of time to decide application</b>	4
(1)	This section applies if the board considers it needs more time to decide the application.	5 6
(2)	The applicant and board may, at any time before the day that is 6 months after the day on which the board received the application, agree in writing on a day (the <i>agreed day</i> ) by which the decision is to be made.	7 8 9 10
(3)	If the board fails to make the decision by the agreed day—	11
(a)	the failure is taken to be a decision of the board that the governing body is not eligible for government funding for the school; and	12 13 14
(b)	the board must, as soon as practicable, give the applicant an information notice about the decision.	15 16
<b>84</b>	<b>Steps to be taken after decision</b>	17
(1)	If the board decides the governing body is eligible for government funding for the school, the board must, as soon as practicable give the applicant and the Minister notice of the decision.	18 19 20 21
(2)	If the board decides the governing body is not eligible for government funding for the school, the board must, as soon as practicable, give the applicant an information notice about the decision.	22 23 24 25
<b>85</b>	<b>Report by authorised person</b>	26
(1)	Before deciding the application, the board may obtain a written report from an authorised person about a matter mentioned in section 10.	27 28 29

[s 86]

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(2)	To prepare the report, the authorised person may exercise the authorised person’s powers under chapter 4, part 2.	1 2
<b>Part 3</b>	<b>Withdrawal of eligibility for government funding</b>	3 4
<b>Division 1</b>	<b>Application of part</b>	5
<b>86</b>	<b>Application of part</b>	6
	This part applies to a school the governing body of which is eligible for government funding for the school.	7 8
<b>Division 2</b>	<b>Giving compliance notices</b>	9
<b>87</b>	<b>Compliance notice</b>	10
(1)	This section applies if—	11
(a)	the board reasonably believes—	12
(i)	the governing body of an accredited school does not meet the government funding eligibility criteria (the <i>noncompliance</i> ); and	13 14 15
(ii)	a matter relating to the noncompliance is reasonably capable of being rectified; and	16 17
(iii)	it is appropriate to give the school’s governing body an opportunity to rectify the matter; and	18 19
(b)	the board has not given a show cause notice about the matter to the governing body.	20 21
(2)	The board may give the governing body a notice (a <i>compliance notice</i> ) requiring the governing body to rectify the matter.	22 23 24
(3)	The compliance notice must state—	25



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(a)	that the board believes the governing body does not meet the government funding eligibility criteria; and	1 2
(b)	briefly, the reasons for the board’s belief; and	3
(c)	the matter relating to the noncompliance the board believes is reasonably capable of being rectified; and	4 5
(d)	the reasonable steps the governing body must take to rectify the matter; and	6 7
(e)	that the governing body must take the steps within a stated reasonable period.	8 9
(4)	The governing body must comply with the compliance notice, unless the governing body has a reasonable excuse.	10 11
<b>88</b>	<b>Report by authorised person</b>	12
(1)	The board may obtain a written report from an authorised person to help the board decide—	13 14
(a)	whether to give a school’s governing body a compliance notice; or	15 16
(b)	whether a school’s governing body has complied with a compliance notice given to the governing body.	17 18
(2)	To prepare the report, the authorised person may exercise the authorised person’s powers under chapter 4, part 2.	19 20
<b>Division 3</b>	<b>Withdrawal of eligibility for government funding after show cause process</b>	21 22 23
<b>89</b>	<b>Grounds for withdrawal of eligibility for government funding</b>	24 25
(1)	Each of the following is a ground for withdrawal of a governing body’s eligibility for government funding for a school—	26 27 28

[s 90]

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- (a) the governing body is an ineligible company; 1
  - (b) the school is being operated for profit; 2
  - (c) the governing body is a party to a prohibited arrangement; 3  
4
  - (d) there is a direct or indirect connection between the school's governing body and another entity that could reasonably be expected to compromise the independence of the governing body when making financial decisions; 5  
6  
7  
8  
9
  - (e) a matter mentioned in paragraphs (a) to (d) existed during a particular period when the school's governing body received government funding for the school; 10  
11  
12
  - (f) the school's governing body has not complied with section 171(3); 13  
14
  - (g) the school's governing body did not allow an authorised person to enter the school's premises under section 137. 15  
16
- (2) For subsection (1)(c), (d) or (e), if the ground exists because of a prohibited arrangement or connection mentioned in section 10(c) or (d), it is immaterial when the prohibited arrangement or connection came into existence. 17  
18  
19  
20

**90 Show cause notice** 21

- (1) This section applies if— 22
- (a) the board believes a ground exists for the withdrawal of the governing body's eligibility for government funding for the school; and 23  
24  
25
  - (b) the board— 26
    - (i) has not given, and does not propose to give, the school's governing body a compliance notice to rectify a matter to which the ground relates; or 27  
28  
29
    - (ii) has given the governing body a compliance notice to rectify a matter to which the ground relates and the governing body— 30  
31  
32

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(A)	has not complied with the compliance notice within the period stated in the notice; and	1 2
(B)	does not have a reasonable excuse for not complying.	3 4
(2)	The board must give the governing body a notice (a <i>show cause notice</i> ) stating the following—	5 6
(a)	the decision (the <i>proposed decision</i> ) the board proposes to make under this division;	7 8
(b)	the grounds for the proposed decision;	9
(c)	an outline of the facts and circumstances forming the basis for the grounds;	10 11
(d)	an invitation to the governing body to make a written representation to the board within a stated period of at least 30 days after the show cause notice is given to show why the proposed decision should not be made.	12 13 14 15
(3)	The governing body may make a written representation about the show cause notice to the board in the period mentioned in subsection (2)(d) (an <i>accepted representation</i> ).	16 17 18
(4)	The board must give the Minister a copy of a show cause notice given under subsection (2).	19 20
<b>91</b>	<b>Representations about show cause notice</b>	21
	Before making the proposed decision stated in the show cause notice, the board must consider all accepted representations for the notice.	22 23 24
<b>92</b>	<b>Ending show cause process without further action</b>	25
	If, after considering the accepted representations for the show cause notice, the board no longer believes a ground exists for withdrawing the governing body’s eligibility for government funding for the school, the board—	26 27 28 29

[s 93]

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- (a) must not take further action about the show cause notice; and 1  
2
  - (b) must, as soon as practicable, give notice to the Minister and the governing body that no further action is to be taken about the show cause notice. 3  
4  
5
- 93 Decision by board** 6
- (1) This section applies if— 7
    - (a) after considering the accepted representations for the show cause notice, the board still believes the ground exists for withdrawing the governing body’s eligibility for government funding for the school; or 8  
9  
10  
11
    - (b) there are no accepted representations for the show cause notice. 12  
13
  - (2) The board must decide whether the governing body’s eligibility for government funding for the school should be withdrawn— 14  
15  
16
    - (a) if the show cause notice is based on a ground mentioned in section 89(1)(e)—for the period the board believes the ground existed; or 17  
18  
19
    - (b) otherwise—from the day the board believes the ground arose. 20  
21
  - (3) If the board decides to withdraw the governing body’s eligibility for government funding for the school, the board must as soon as practicable— 22  
23  
24
    - (a) give the governing body an information notice about the decision; and 25  
26
    - (b) give the Minister notice of the decision. 27
  - (4) For subsection (3)(a), the information notice must state— 28
    - (a) if the withdrawal of the eligibility for government funding is for a particular period—the period; or 29  
30

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	(b) otherwise—the day from which the withdrawal of the eligibility for government funding has effect.	1 2
<b>94</b>	<b>Report by authorised person</b>	3
	(1) The board may obtain a written report from an authorised person to help the board decide—	4 5
	(a) whether to issue a show cause notice; or	6
	(b) whether to end the show cause process under section 92; or	7 8
	(c) whether to withdraw a governing body’s eligibility for government funding for a school under section 93.	9 10
	(2) To prepare the report, the authorised person may exercise the authorised person’s powers under chapter 4, part 2.	11 12
<b>95</b>	<b>Effect of withdrawal of eligibility for government funding</b>	13
	(1) The withdrawal of a governing body’s eligibility for government funding for a school has effect—	14 15
	(a) if the withdrawal is based on a ground mentioned in section 89(1)(e)—for the period the board believes the ground existed; or	16 17 18
	(b) otherwise—from the day the board believes the ground arose.	19 20
	(2) For subsection (1)(a), it is immaterial—	21
	(a) when the period occurred; or	22
	(b) that the governing body was again eligible for government funding for the school after the period.	23 24

[s 96]

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<b>Division 4</b>	<b>Automatic withdrawal of eligibility for government funding</b>	1 2
<b>96</b>	<b>Effect of cancellation of accreditation</b>	3
	If an accredited school's accreditation is cancelled, the school's governing body's eligibility for government funding for the school is taken to be withdrawn when the cancellation has effect under this Act.	4 5 6 7
<b>Chapter 4</b>	<b>General administration</b>	8
<b>Part 1</b>	<b>Non-State Schools Accreditation Board</b>	9 10
<b>Division 1</b>	<b>Establishment</b>	11
<b>97</b>	<b>Non-State Schools Accreditation Board</b>	12
(1)	The Non-State Schools Accreditation Board is continued in existence.	13 14
(2)	The board—	15
(a)	is a body corporate; and	16
(b)	may sue and be sued in its corporate name.	17
(3)	In this section—	18
	<i>Non-State Schools Accreditation Board</i> means the Non-State Schools Accreditation Board established under the repealed <i>Education (Accreditation of Non-State Schools) Act 2001</i> , section 105.	19 20 21 22

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<b>98</b>	<b>Board represents the State</b>	1
(1)	The board represents the State.	2
(2)	Without limiting subsection (1), the board has the status, privileges and immunities of the State.	3 4
<b>99</b>	<b>Application of other Acts</b>	5
(1)	The board is a statutory body under the <i>Financial Accountability Act 2009</i> and the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	6 7 8
(2)	The <i>Statutory Bodies Financial Arrangements Act 1982</i> , part 2B explains how that Act affects the board's powers.	9 10
<b>Division 2</b>	<b>Functions and powers</b>	11
<b>100</b>	<b>Functions of board</b>	12
	The board has the following functions—	13
(a)	to assess applications for accreditation of non-State schools;	14 15
(b)	to accredit non-State schools;	16
(c)	to assess and decide applications about governing bodies' eligibility for government funding;	17 18
(d)	to keep a register of accredited schools;	19
(e)	to monitor whether accredited schools continue to comply with the accreditation criteria;	20 21
(f)	to monitor whether the governing bodies of accredited schools are suitable to continue to be a school's governing body;	22 23 24
(g)	to monitor whether the governing bodies of non-State schools that are eligible for government funding for the schools continue to meet the government funding eligibility criteria;	25 26 27 28

[s 101]

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(h)	to monitor and enforce compliance with this Act;	1
(i)	to conduct investigations about contraventions of, or noncompliance with, this Act;	2 3
(j)	to examine, and advise the Minister about, the operation of the accreditation and eligibility for government funding schemes under this Act, including, for example, the examining of and reporting on a matter referred to the board by the Minister;	4 5 6 7 8
(k)	another function given to the board under this Act or another Act.	9 10
<b>101</b>	<b>Powers of board</b>	11
	The board has all the powers of an individual, and may, for example—	12 13
(a)	enter into contracts or agreements; and	14
(b)	acquire, hold, deal with, and dispose of, property; and	15
(c)	appoint agents and attorneys; and	16
(d)	engage consultants and researchers; and	17
(e)	do anything else necessary or convenient to be done in performing its functions.	18 19
<b>Division 3</b>	<b>Membership</b>	20
<b>102</b>	<b>Membership of board</b>	21
(1)	The board consists of 7 persons (each a <i>member</i> ), as follows—	22 23
(a)	1 member nominated by the Minister;	24
(b)	3 members (the <i>Minister’s consultation nominees</i> ) nominated by the Minister after consulting with ISQ and QCEC;	25 26 27



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(c)	1 member nominated by the chief executive;	1
(d)	1 member nominated by ISQ;	2
(e)	1 member nominated by QCEC.	3
(2)	Each member must be appointed by the Governor in Council.	4
(3)	A Minister's consultation nominee—	5
(a)	must not be a person who is—	6
(i)	an employee of the department; or	7
(ii)	working full-time in an accredited school; or	8
(iii)	a director of an accredited school's governing body; or	9 10
(iv)	a member of an entity representing the interests of governing bodies of accredited schools; and	11 12
(b)	must be appropriately qualified to be a member of the board.	13 14
<b>103</b>	<b>Nominee of ISQ or QCEC</b>	15
(1)	This section applies to the nomination of a person by an entity under section 102(1)(d) or (e).	16 17
(2)	The Minister must give the entity a notice stating a reasonable period within which it may nominate the person.	18 19
(3)	If the entity does not nominate a person within the period stated in the notice, the Minister may nominate a person and the nomination is taken to have been made by the entity.	20 21 22
<b>104</b>	<b>Term of appointment</b>	23
	A member holds office for the term, not longer than 4 years, stated in the member's instrument of appointment.	24 25

[s 105]

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<b>105</b>	<b>Conditions of appointment</b>	1
(1)	A member is entitled to be paid the remuneration and allowances decided by the Governor in Council.	2 3
(2)	A member holds office on the terms and conditions, not provided for by this Act, decided by the Governor in Council.	4 5
(3)	A member is appointed under this Act and not the <i>Public Service Act 2008</i> .	6 7
<b>106</b>	<b>Chairperson</b>	8
(1)	The person nominated by the Minister under section 102(1)(a) is the chairperson of the board.	9 10
(2)	The chairperson holds office for the term of the person's appointment as a member.	11 12
(3)	The office of chairperson becomes vacant if the chairperson stops being a member.	13 14
<b>107</b>	<b>Deputy chairperson</b>	15
(1)	The board must appoint a member as the deputy chairperson of the board.	16 17
(2)	The deputy chairperson holds office for the term decided by the board.	18 19
(3)	However, the term mentioned in subsection (2) can not be longer than the term of the person's appointment as a member.	20 21
(4)	The office of deputy chairperson becomes vacant if the deputy chairperson—	22 23
(a)	resigns from office by giving the board a notice of resignation; or	24 25
(b)	stops being a member.	26
(5)	However, a person may continue being a member after resigning the office of deputy chairperson.	27 28
(6)	The deputy chairperson is to act as chairperson—	29

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- (a) during a vacancy in the office of chairperson; and 1
- (b) during all periods when the chairperson is absent from 2  
duty or, for another reason, can not perform the 3  
functions of the office. 4
- 108 Disqualification as member 5**
- (1) A person is disqualified from becoming, or continuing as, a 6  
member if the person— 7
- (a) is a member of the Legislative Assembly; or 8
- (b) is a councillor of a local government; or 9
- (c) has a conviction, other than a spent conviction, for an 10  
indictable offence; or 11
- (d) is an insolvent under administration; or 12
- (e) is disqualified from managing corporations because of 13  
the Corporations Act, part 2D.6. 14
- (2) A person is also disqualified from becoming a member if the 15  
person does not consent to the Minister asking for a report 16  
about the person’s criminal history under section 112. 17
- (3) The Minister may act under subsection (4) if the Minister 18  
considers it would be reasonable to do so, having regard to— 19
- (a) the circumstances of an offence of which a person has 20  
been convicted; or 21
- (b) the circumstances under which a person became an 22  
insolvent under administration. 23
- (4) The Minister may— 24
- (a) if the person was a member when the person was 25  
convicted or became an insolvent under administration, 26  
and the term of the person’s appointment as a member 27  
has not ended, give the chairperson and the person 28  
notice (the *approval notice*) that— 29
- (i) the person is restored as a member; and 30

[s 109]

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- (ii) the person 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 despite the conviction or being an insolvent under administration.
- (5) The person is restored as a member on the day the chairperson receives the approval notice.
- (6) The restored member’s term of appointment as a member ends when it would have ended if the member had not been convicted of the offence or become an insolvent under administration.
- (7) In this section—  
*conviction*, for an indictable offence, does not include being found guilty of an offence, on a plea of guilty or otherwise, without a conviction being recorded for the offence.  
*insolvent under administration* see the Corporations Act, section 9.
- 109 Vacancy in office**
- (1) A member’s office becomes vacant if the member—
- (a) can not continue as a member under section 108; or
- (b) resigns office under section 110; or
- (c) is absent, without the board’s permission, from 3 consecutive board meetings of which notice has been given.
- (2) Also, a member who is a Minister’s consultation nominee is taken to have vacated office if the member becomes a person mentioned in section 102(3)(a).
- 110 Resignation**
- (1) A member may resign by signed notice given to the Minister.

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(2)	The resignation takes effect on—	1
(a)	the day the notice is given; or	2
(b)	if a later day is stated in the notice—the later day.	3
<b>111</b>	<b>Leave of absence</b>	4
(1)	The Minister may—	5
(a)	approve a leave of absence for a member; and	6
(b)	appoint another person to act in the office of the member during the leave of absence.	7 8
(2)	Subsection (1) does not limit the Governor in Council's powers under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(v).	9 10 11
(3)	If the Minister approves a leave of absence for the deputy chairperson, the board may appoint another member to be the deputy chairperson during the leave of absence.	12 13 14
<b>Division 4</b>	<b>Criminal history</b>	15
<b>112</b>	<b>Criminal history report</b>	16
(1)	To decide if a person is disqualified from becoming or continuing as a member, the Minister may ask the commissioner of the police service for—	17 18 19
(a)	a written report about the criminal history of the person; and	20 21
(b)	a brief description of the circumstances of a conviction mentioned in the criminal history.	22 23
(2)	However, the Minister may make the request only if the person has given the Minister written consent for the request.	24 25
(3)	The commissioner of the police service must comply with the request.	26 27

[s 113]

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(4)	The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner's possession or to which the commissioner has access.	1 2 3 4
(5)	The Minister must ensure the report and any other document or information given to the board by the commissioner of the police is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.	5 6 7 8
<b>113</b>	<b>Changes in criminal history must be disclosed</b>	9
(1)	If there is a change in the criminal history of a member, the member must immediately give notice of the change to the Minister, unless the member has a reasonable excuse. Maximum penalty—100 penalty units.	10 11 12 13
(2)	The notice must include the following information—	14
(a)	the existence of the conviction;	15
(b)	when the offence was committed;	16
(c)	details adequate to identify the offence;	17
(d)	the sentence imposed on the member.	18
(3)	If a member does not have a criminal history, there is taken to be a change in the member's criminal history if the member acquires one.	19 20 21
(4)	In this section— <i>criminal history</i> , of a member, means the member's criminal history within the meaning of the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , to the extent the criminal history relates to indictable offences, other than spent convictions.	22 23 24 25 26 27

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<b>Division 5</b>	<b>Business and meetings</b>	1
<b>114</b>	<b>Conduct of business</b>	2
	Subject to this division, the board may conduct its business and hold meetings in the way the board decides.	3 4
<b>115</b>	<b>Time and place of meetings</b>	5
(1)	Board meetings must be held at the times and places the chairperson decides.	6 7
(2)	However, the chairperson must call a meeting if asked, in writing, by the Minister or at least the number of members required to form a quorum for the meeting.	8 9 10
(3)	The board must meet as often as necessary for it to perform its functions.	11 12
(4)	Without limiting subsection (3), the board must meet at least 4 times a year.	13 14
<b>116</b>	<b>Quorum</b>	15
	A quorum for a board meeting is a majority of the members at the time the meeting is held.	16 17
<b>117</b>	<b>Conduct of meetings</b>	18
(1)	A question at a board meeting must be decided by a majority of the votes of the members present.	19 20
(2)	Each member present at the meeting has a vote on each question to be decided.	21 22
(3)	A member who abstains from voting, other than a member who abstains because of a conflict of interest, is taken to have voted for the negative.	23 24 25
(4)	If the votes of the members present at the meeting are equal, the chairperson has a casting vote.	26 27

[s 118]

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- (5) The board may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting. 1  
2  
3  
4
- (6) A member who takes part in a meeting of the board under subsection (5) is taken to have been present at the meeting. 5  
6
- (7) A resolution is validly made by the board, even if it is not passed at a board meeting, if— 7  
8
- (a) notice of the resolution is given under procedures approved by the board; and 9  
10
- (b) a majority of members agree in writing to the resolution. 11
- 118 Attendance by proxy** 12
- (1) A member may attend a board meeting by proxy. 13
- (2) A member is not entitled to preside at a meeting merely because the member is the proxy holder for another member who, if present, would be entitled to preside. 14  
15  
16
- 119 Disclosure of interest** 17
- (1) This section applies to a member if— 18
- (a) the member has a direct or indirect financial or personal interest in a matter being considered, or about to be considered, by the board; and 19  
20  
21
- (b) the interest could conflict with the proper performance of the member's duties for considering the matter. 22  
23
- (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a board meeting. 24  
25  
26
- (3) The disclosure must be recorded in the board's minutes. 27
- (4) Unless the board otherwise decides, the member must not— 28
- (a) be present when the board considers the matter; or 29



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(b)	take part in a decision of the board about the matter.	1
(5)	The member must not be present when the board is considering its decision under subsection (4).	2 3
(6)	Another member who also has a direct or indirect financial or personal interest in the matter must not—	4 5
(a)	be present when the board is considering its decision under subsection (4); or	6 7
(b)	take part in making the decision.	8
(7)	Subsection (8) applies if—	9
(a)	because of this section, a member is not present at a board meeting for considering a matter, or for considering a decision under subsection (4); and	10 11 12
(b)	there would be a quorum if the member were present.	13
(8)	The members present are a quorum of the board for considering the matter, or for considering a decision under subsection (4), at the meeting.	14 15 16
<b>Division 6</b>	<b>Administrative support of board</b>	17
<b>120</b>	<b>Administrative support</b>	18
	The chief executive must ensure the board has the administrative support services reasonably required for the board to perform its functions effectively and efficiently.	19 20 21
<b>Division 7</b>	<b>Interaction between Minister and board</b>	22 23
<b>121</b>	<b>Minister may refer matter to board</b>	24
(1)	If the Minister considers there is a matter about the accreditation of schools or the eligibility of governing bodies of schools for government funding the board should examine,	25 26 27

[s 122]

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- the Minister may, by notice, refer the matter to the board for  
its examination. 1  
2
- (2) The Minister may, in the notice, ask the board to give the  
Minister a written report about the matter after completing the  
examination. 3  
4  
5
- (3) If the notice includes a request by the Minister for a report, the  
board must, as soon as practicable after completing the  
examination, give the Minister a written report about the  
matter. 6  
7  
8  
9
- (4) The report may include a recommendation about making a  
change in relation to the accreditation of schools or the  
eligibility for government funding under this Act. 10  
11  
12
- 122 Minister may ask board to reassess governing body's  
eligibility for government funding** 13  
14
- (1) If the Minister is satisfied a school's governing body's  
eligibility for government funding for the school should be  
reassessed, the Minister may, by notice, ask the board to  
reassess the eligibility. 15  
16  
17  
18
- (2) If the Minister gives the board a notice under subsection (1),  
the board must reassess whether the board is satisfied the  
governing body meets the government funding eligibility  
criteria. 19  
20  
21  
22
- (3) For carrying out the reassessment, sections 81(1) and (2) and  
85 apply as if a reference in sections 81(1) and 85(1) to the  
application were a reference to whether the board is satisfied  
the governing body meets the government funding eligibility  
criteria. 23  
24  
25  
26  
27
- (4) The Minister may, in the notice, ask the board to give the  
Minister a written report about the matter after completing the  
reassessment. 28  
29  
30
- (5) If the notice includes a request by the Minister for a report, the  
board must, as soon as practicable after completing the 31  
32

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reassessment, give the Minister a written report about the 1  
reassessment. 2

**123 Minister's power to give directions in the public interest 3**

- (1) The Minister may give the board a written direction about a 4  
matter relevant to the performance of the board's functions 5  
under this Act if the Minister is satisfied it is necessary to give 6  
the direction in the public interest. 7
- (2) Without limiting subsection (1), the direction may be that the 8  
board must comply with— 9
- (a) a policy, standard or other instrument applying to a 10  
public sector unit; or 11
- (b) another document, including, for example, another 12  
policy, standard or instrument. 13
- (3) The board must comply with the direction. 14
- (4) The direction can not be about— 15
- (a) the accreditation of a particular school; or 16
- (b) changing the attributes of accreditation of a particular 17  
school; or 18
- (c) cancelling the accreditation of a particular school; or 19
- (d) a decision of the board about the amalgamation or 20  
division of a school under chapter 2, part 5; or 21
- (e) a decision of the board about the eligibility of a 22  
particular school's governing body for government 23  
funding. 24
- (5) In the board's annual report for a financial year, under the 25  
*Financial Accountability Act 2009*, the board must include 26  
copies of all directions given to it under this section during the 27  
financial year. 28

[s 124]

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<b>124</b>	<b>Minister may require information or documents</b>	1
(1)	The Minister may, by notice, ask the board to do the following within a stated reasonable period and in a stated reasonable way—	2 3 4
(a)	give the Minister relevant information in the board’s knowledge about a stated matter;	5 6
(b)	give the Minister, or make available for inspection by the Minister, a relevant document or copy of a relevant document about a stated matter in the board’s possession or control.	7 8 9 10
(2)	The board must comply with the request.	11
(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.	12 13 14
(4)	The Minister may disclose the information, or give the document or copy of the document, to an entity the Minister considers appropriate to help the Minister assess a matter relevant to the way the board is carrying out its functions.	15 16 17 18
(5)	In this section—	19
	<i>relevant</i> , in relation to information or a document, means relating to the board’s powers or functions under this Act.	20 21
<b>125</b>	<b>Notice to Minister about action taken in relation to a grammar school</b>	22 23
(1)	This section applies if the board gives any of the following notices under this Act to the governing body of a grammar school—	24 25 26
(a)	a compliance notice;	27
(b)	a show cause notice;	28
(c)	a notice under section 69(b);	29
(d)	an information notice about a decision to cancel the school’s accreditation.	30 31

- 
- (2) The board must also give a copy of the notice to the Minister. 1

## **Division 8 Register of accredited schools 2**

### **126 Register to be kept 3**

- (1) The board must keep a register about accredited schools. 4
- (2) The register may be kept in the way the board considers appropriate, including, for example, in an electronic form. 5  
6
- (3) The register must contain the following information for each accredited school— 7  
8
- (a) the school's name; 9
  - (b) the day of its accreditation; 10
  - (c) the student-intake day for each type of education the school may provide under the school's accreditation; 11  
12
  - (d) if the school is an establishment phase school for a year of schooling—the student-intake day for the year of schooling; 13  
14  
15
  - (e) the attributes of accreditation of the school; 16
  - (f) details of the type of education that may be provided at the school; 17  
18
  - (g) whether the governing body for the school is eligible for government funding; 19  
20
  - (h) other information prescribed by regulation. 21

### **127 Inspection of register 22**

The board must— 23

- (a) keep the register open for inspection, on payment of the fee prescribed by regulation, at the board's office by members of the public during ordinary office hours; and 24  
25  
26

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- (b) give a person a copy of the register, or a part of it, on payment of the fee prescribed by regulation. 1  
2

## **Division 9 Information sharing arrangements 3**

### **128 Board may enter into information sharing arrangement 4**

- (1) This section applies only to the extent— 5
- (a) another provision of this Act allows the board to give information to the chief executive (employment screening); or 6  
7  
8
- (b) a provision of the *Working with Children (Risk Management and Screening) Act 2000* allows the chief executive (employment screening) to give information to the board. 9  
10  
11  
12
- (2) The board and the chief executive (employment screening) may enter into a written arrangement by which the information is given or received. 13  
14  
15
- (3) Without limiting subsection (2), the arrangement may provide for the electronic transfer of information. 16  
17
- (4) However, if the information is to be electronically transferred and, under this Act or the *Working with Children (Risk Management and Screening) Act 2000*, there is a limitation on who may access the information or the purposes for which the information may be used, the arrangement must provide for the limitation. 18  
19  
20  
21  
22  
23
- (5) In this section— 24
- chief executive (employment screening)* means the chief executive of the department in which the *Working with Children (Risk Management and Screening) Act 2000* is administered. 25  
26  
27  
28

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<b>Part 2</b>	<b>Authorised persons</b>	1
<b>Division 1</b>	<b>Functions and appointment</b>	2
<b>129</b>	<b>Functions of authorised persons</b>	3
(1)	An authorised person has the functions of finding out the following—	4 5
(a)	whether an accredited school is complying with the accreditation criteria;	6 7
(b)	whether the governing body, or proposed governing body, of a school is, or continues to be, suitable to be the school’s governing body;	8 9 10
	<i>Note—</i>	11
	See section 26 for suitability of governing body.	12
(c)	whether a special assistance school providing special assistance at a temporary site is complying with the temporary site criteria;	13 14 15
(d)	in relation to a school the governing body of which is eligible for government funding for the school—	16 17
(i)	whether the school is being operated for profit; or	18
(ii)	whether the governing body of the school is a party to a prohibited arrangement in relation to the operation of the school; or	19 20 21
(iii)	whether there is a direct or indirect connection between the governing body of the school and another entity that could reasonably be expected to compromise the independence of the governing body when making financial decisions;	22 23 24 25 26
(e)	in relation to the governing body of an accredited school that is applying to be eligible for government funding for the school—	27 28 29
(i)	whether the school is being operated for profit; or	30

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(ii)	whether the governing body is a party to, or intends to enter into, a prohibited arrangement in relation to the operation of the school;	1 2 3
(iii)	whether there is a direct or indirect connection between the governing body of the school and another entity that could reasonably be expected to compromise the independence of the governing body when making financial decisions.	4 5 6 7 8
(2)	An authorised person's functions also include—	9
(a)	verifying school survey data relating to an accredited school; and	10 11
(b)	investigating offences under this Act; and	12
(c)	another function given to the authorised person under this Act or another Act.	13 14
<b>130</b>	<b>Appointment and qualifications</b>	15
(1)	The board may, by instrument in writing, appoint a person as an authorised person if the board is satisfied the person is—	16 17
(a)	appropriately qualified to be an authorised person; and	18
(b)	a suitable person to perform 1 or more of the functions of an authorised person.	19 20
(2)	A person is not a suitable person to perform the functions of an authorised person if the person does not have a current positive notice or current positive exemption notice.	21 22 23
(3)	Subsection (2) does not limit the matters to which the board may have regard in considering the suitability of a person to perform the functions of an authorised person.	24 25 26
<b>131</b>	<b>Appointment conditions</b>	27
(1)	An authorised person holds office on the conditions stated in the authorised person's instrument of appointment.	28 29



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(2)	The instrument of appointment may limit the authorised person's functions or powers.	1 2
<b>132</b>	<b>When office ends</b>	3
(1)	The office of a person as an authorised person ends if any of the following happens—	4 5
(a)	the term of office stated in a condition of office ends;	6
(b)	under another condition of office, the office ends;	7
(c)	the authorised person's resignation under section 133 takes effect.	8 9
(2)	Subsection (1) does not limit the ways the office of a person as an authorised person ends.	10 11
(3)	In this section—	12
	<i>condition of office</i> means a condition under which the authorised person holds office.	13 14
<b>133</b>	<b>Resignation</b>	15
(1)	An authorised person may resign by signed notice given to the board.	16 17
(2)	The resignation takes effect on—	18
(a)	the day the notice is given; or	19
(b)	if a later day is stated in the notice—the later day.	20
<b>Division 2</b>	<b>Identity cards</b>	21
<b>134</b>	<b>Issue of identity card</b>	22
(1)	The board must issue an identity card to each authorised person.	23 24
(2)	The identity card must—	25

[s 135]

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(a)	contain a recent photograph of the authorised person; and	1 2
(b)	contain a copy of the authorised person’s signature; and	3
(c)	identify the person as an authorised person under this Act; and	4 5
(d)	state an expiry date for the card.	6
<b>135</b>	<b>Production or display of identity card</b>	7
(1)	In exercising a power in relation to a person in the person’s presence, an authorised person must—	8 9
(a)	produce the authorised person’s identity card for the person’s inspection before exercising the power; or	10 11
(b)	have the identity card displayed so it is clearly visible to the person when exercising the power.	12 13
(2)	However, if it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the person’s inspection at the first reasonable opportunity.	14 15 16
(3)	For subsection (1), an authorised person does not exercise a power in relation to a person only because the authorised person has entered a place under section 139(1)(b) or 141.	17 18 19
<b>136</b>	<b>Return of identity card</b>	20
	If the office of a person as an authorised person ends, the person must return the person’s identity card to the chairperson within 21 days after the office ends unless the person has a reasonable excuse.	21 22 23 24
	Maximum penalty—10 penalty units.	25

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<b>Division 3</b>	<b>Entry of places by authorised persons</b>	1 2
<b>Subdivision 1</b>	<b>Power to enter school premises</b>	3
<b>137</b>	<b>Power to enter school premises</b>	4
	An authorised person may enter a school’s premises, during ordinary office hours, after complying with section 138.	5 6
<b>138</b>	<b>Notice of entry</b>	7
(1)	If an authorised person wishes to enter a school’s premises, the authorised person must give the school’s governing body a notice advising the governing body of—	8 9 10
(a)	the purpose of the entry; and	11
(b)	the day on which the entry is proposed.	12
(2)	If the authorised person is performing a function mentioned in section 129(2)(a) or (b), there must be at least 1 day between the day the notice is given to the governing body and the day on which entry is proposed.	13 14 15 16
(3)	If the authorised person is performing a function other than a function mentioned in section 129(2)(a) and (b), the day on which entry is proposed must not be less than 7 days after the day the notice is given to the governing body.	17 18 19 20
(4)	In deciding the period of notice to be given before entering the school’s premises, the authorised person must have regard to the circumstances of the proposed entry.	21 22 23

[s 139]

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<b>Subdivision 2</b>	<b>Power to enter places other than school premises</b>	1 2
<b>139</b>	<b>Power to enter places other than school premises</b>	3
(1)	An authorised person may enter a place, other than a school’s premises, for carrying out a function if—	4 5
(a)	an occupier of the place consents under subdivision 3 to the entry and section 142 has been complied with for the occupier; or	6 7 8
(b)	it is a public place and the entry is made when the place is open to the public; or	9 10
(c)	the entry is authorised under a warrant and, if there is an occupier of the place, section 149 has been complied with for the occupier.	11 12 13
(2)	If the power to enter arose only because an occupier of the place consented to the entry, the power is subject to any conditions of the consent and ceases if the consent is withdrawn.	14 15 16 17
(3)	If the power to enter is under a warrant, the power is subject to the terms of the warrant.	18 19
<b>Subdivision 3</b>	<b>Entry by consent</b>	20
<b>140</b>	<b>Obtaining consent of occupier</b>	21
	This subdivision applies if an authorised person intends to ask an occupier of a place to consent to the authorised person or another authorised person entering the place under section 139(1)(a).	22 23 24 25

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<b>141</b>	<b>Incidental entry to ask for access</b>	1
	For the purpose of asking an occupier of a place for consent to enter, an authorised person may, without the occupier’s consent or a warrant—	2 3 4
	(a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or	5 6
	(b) enter part of the place the authorised person reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.	7 8 9
<b>142</b>	<b>Matters authorised person must tell occupier</b>	10
	Before asking for the consent, the authorised person must give a reasonable explanation to the occupier—	11 12
	(a) about the purpose of the entry, including the powers intended to be exercised; and	13 14
	(b) that the occupier is not required to consent; and	15
	(c) that the consent may be given subject to conditions and may be withdrawn at any time.	16 17
<b>143</b>	<b>Consent acknowledgement</b>	18
	(1) If the consent is given, the authorised person may ask the occupier to sign an acknowledgement of the consent.	19 20
	(2) The acknowledgement must state—	21
	(a) the purpose of the entry, including the powers to be exercised; and	22 23
	(b) the following has been explained to the occupier—	24
	(i) the purpose of the entry, including the powers to be exercised;	25 26
	(ii) that the occupier is not required to consent;	27
	(iii) that the consent may be given subject to conditions and may be withdrawn at any time; and	28 29

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- (c) the occupier gives the authorised person or another authorised person consent to enter the place and exercise the powers; and 1  
2  
3
- (d) the time and day the consent was given; and 4
- (e) any conditions of the consent. 5
- (3) If the occupier signs the acknowledgement, the authorised person must immediately give a copy to the occupier. 6  
7
- (4) If— 8
  - (a) an issue arises in a proceeding before a court or the board about whether the occupier of the place consented to the entry; and 9  
10  
11
  - (b) a signed acknowledgement complying with subsection (2) for the entry is not produced in evidence; 12  
13
- the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented. 14  
15

## **Subdivision 4      Entry under warrant** 16

### **144      Application for warrant** 17

- (1) An authorised person may apply to a magistrate for a warrant for a place. 18  
19
- (2) The authorised person must prepare a written application that states the grounds on which the warrant is sought. 20  
21
- (3) The written application must be sworn. 22
- (4) The magistrate may refuse to consider the application until the authorised person gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires. 23  
24  
25  
26
- Example—* 27
  - The magistrate may require additional information supporting the application to be given by a statutory declaration. 28  
29

- 
- 145 Issue of warrant** 1
- (1) The magistrate may issue a warrant only if the magistrate is 2  
satisfied there are reasonable grounds for suspecting there is 3  
at the place, or will be at the place within the next 7 days, a 4  
particular thing or activity that may provide evidence about a 5  
matter being investigated by the authorised person. 6
- (2) The warrant must state— 7
- (a) the place to which the warrant applies; and 8
- (b) that a stated authorised person or any authorised person 9  
may with necessary and reasonable help and force— 10
- (i) enter the place and any other place necessary for 11  
entry; and 12
- (ii) exercise the authorised person’s powers under this 13  
division; and 14
- (c) particulars of the matter being investigated that the 15  
magistrate considers appropriate; and 16
- (d) the evidence that may be seized under the warrant; and 17
- (e) the hours of the day or night when the place may be 18  
entered; and 19
- (f) the magistrate’s name; and 20
- (g) the day and time of the warrant’s issue; and 21
- (h) the day, within 14 days after the warrant’s issue, the 22  
warrant ends. 23
- 146 Electronic application** 24
- (1) An application under section 144 may be made by phone, fax, 25  
email, radio, videoconferencing or another form of electronic 26  
communication if the authorised person reasonably considers 27  
it necessary because of— 28
- (a) urgent circumstances; or 29

[s 147]

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- (b) other special circumstances, including, for example, the authorised person's remote location. 1  
2
- (2) The application— 3
  - (a) may not be made before the authorised person prepares the written application under section 144(2); but 4  
5
  - (b) may be made before the written application is sworn. 6
- 147 Additional procedure if electronic application 7**
  - (1) For an application made under section 146, the magistrate may issue the warrant (the *original warrant*) only if the magistrate is satisfied— 8  
9  
10
    - (a) it was necessary to make the application under section 146; and 11  
12
    - (b) the way the application was made under section 146 was appropriate. 13  
14
  - (2) After the magistrate issues the original warrant— 15
    - (a) if there is a reasonably practicable way of immediately giving a copy of the warrant to the authorised person, including, for example, by sending a copy by fax or email, the magistrate must immediately give a copy of the warrant to the authorised person; or 16  
17  
18  
19  
20
    - (b) otherwise— 21
      - (i) the magistrate must tell the authorised person the information mentioned in section 145(2); and 22  
23
      - (ii) the authorised person must complete a form of warrant including by writing on it the information mentioned in section 145(2) provided by the magistrate. 24  
25  
26  
27
  - (3) The copy of the warrant mentioned in subsection (2)(a), or the form of warrant completed under subsection (2)(b) (in either case the *duplicate warrant*), is a duplicate of, and as effectual as, the original warrant. 28  
29  
30  
31



- 
- (4) The authorised person must, at the first reasonable opportunity, send to the magistrate—
- (a) the written application complying with section 144(2) and (3); and
- (b) if the authorised person completed a form of warrant under subsection (2)(b)—the completed form of warrant.
- (5) The magistrate must keep the original warrant and, on receiving the documents under subsection (4)—
- (a) attach the documents to the original warrant; and
- (b) give the original warrant and documents to the clerk of the court of the relevant magistrates court.
- (6) Despite subsection (3), if—
- (a) an issue arises in a proceeding about whether an exercise of a power was authorised by a warrant issued under this section; and
- (b) the original warrant is not produced in evidence;
- the onus of proof is on the person relying on the lawfulness of the exercise of the power to prove a warrant authorised the exercise of the power.
- (7) This section does not limit section 144.
- (8) In this section—
- relevant magistrates court*, in relation to a magistrate, means the Magistrates Court that the magistrate constitutes under the *Magistrates Act 1991*.

## 148 Defect in relation to a warrant

- (1) A warrant is not invalidated by a defect in—
- (a) the warrant; or
- (b) compliance with sections 144 to 146;

[s 149]

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unless the defect affects the substance of the warrant in a material particular.	1 2
(2) In this section—	3
<i>warrant</i> includes a duplicate warrant mentioned in section 147(3).	4 5
<b>149 Entry procedure</b>	6
(1) This section applies if an authorised person is intending to enter a place under a warrant issued under this subdivision.	7 8
(2) Before entering the place, the authorised person must do or make a reasonable attempt to do the following things—	9 10
(a) identify himself or herself to a person who is an occupier of the place and is present by producing the authorised person’s identity card or another document evidencing the authorised person’s appointment;	11 12 13 14
(b) give the person a copy of the warrant;	15
(c) tell the person the authorised person is permitted by the warrant to enter the place;	16 17
(d) give the person an opportunity to allow the authorised person immediate entry to the place without using force.	18 19
(3) However, the authorised person need not comply with subsection (2) if the authorised person believes on reasonable grounds that immediate entry to the place is required to ensure the effective execution of the warrant is not frustrated.	20 21 22 23
(4) In this section—	24
<i>warrant</i> includes a duplicate warrant mentioned in section 147(3).	25 26

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<b>Division 4</b>	<b>General powers after entry</b>	1
<b>150</b>	<b>Application of division</b>	2
(1)	This division applies to an authorised person who enters a place under section 137 or 139.	3 4
(2)	However, if the authorised person enters under section 139(1)(a) or (c), the powers under this division are subject to any conditions of the consent or terms of the warrant.	5 6 7
<b>151</b>	<b>General powers</b>	8
(1)	The authorised person may do any of the following (each a <i>general power</i> ) for a relevant purpose—	9 10
(a)	search any part of the place;	11
(b)	inspect, examine or film any part of the place or anything at the place;	12 13
(c)	take an extract from, or copy, a document at the place, or take the document to another place to copy;	14 15
(d)	produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing;	16 17 18 19 20
(e)	take to, into or onto the place any person, equipment and materials the authorised reasonably requires for exercising a power under this part.	21 22 23
(2)	Also, if the authorised person is performing a function mentioned in section 129(2)(a), the authorised person may physically verify—	24 25 26
(a)	for a school offering classroom education—that certain students enrolled for classroom education at the school are attending the school; or	27 28 29

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- (b) for a school offering distance education—that certain students enrolled for distance education at the school are undertaking the education. 1  
2  
3
- (3) The authorised person may take a necessary step to allow the exercise of a general power. 4  
5
- (4) If the authorised person takes a document from the place to copy it, the authorised person must copy the document and return it to the place as soon as practicable. 6  
7  
8
- (5) If the authorised person takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised person must produce the document and return the article or device to the place as soon as practicable. 9  
10  
11  
12  
13
- (6) In this section— 14
- examine* includes analyse, test, account, measure, weigh, grade, gauge and identify. 15  
16
- film* includes photograph, videotape and record an image in another way. 17  
18
- inspect*, a thing, includes open the thing and examine its contents. 19  
20
- relevant purpose* means— 21
- (a) for an investigation for the preparation of a report under this Act—relevant to the matter being investigated; or 22  
23
- (b) for another investigation—monitoring compliance with this Act. 24  
25

## 152 Power to require reasonable help 26

- (1) The authorised person may make a requirement (a *help requirement*) of a school’s governing body, an occupier of the place or a person at the place, to give the authorised person reasonable help to exercise a general power, including, for example, to produce a document or to give information relevant to the matter being investigated. 27  
28  
29  
30  
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32

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- (2) When making the help requirement, the authorised person must warn the person to whom the requirement is made that, without a reasonable excuse, it is an offence for the person not to comply with the requirement.

**153 Offence to contravene help requirement**

- (1) A person of whom a help requirement has been made must comply with the requirement unless the person has a reasonable excuse.  
Maximum penalty—50 penalty units.
- (2) It is a reasonable excuse for an individual not to comply with a help requirement if complying might tend to incriminate the individual or expose the individual to a penalty.

**Division 5 Power to require information**

**154 Power to require information**

- (1) This section applies if—
- (a) an authorised person is performing a function under this Act; and
  - (b) a person may be able to give information to help the authorised person perform the function.
- (2) The authorised person may, by notice given to the person, require the person to—
- (a) give the authorised person stated information reasonably required for performing the function at a stated reasonable time; or
  - (b) create, and give the authorised person, a document containing information reasonably required for performing the function at a stated reasonable time.

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- (3) For information that is an electronic document, compliance with the requirement requires the giving of a clear image or written version of the electronic document. 1  
2  
3
- (4) In this section— 4
- government entity* means a government entity under the *Public Service Act 2008*, section 24. 5  
6
- information* includes a document or a copy of a document. 7
- person* does not include a government entity, other than a board of trustees for a grammar school. 8  
9
- 155 Offence to contravene information requirement** 10
- (1) A person of whom a requirement is made under section 154(2)(a) must comply with the requirement unless the person has a reasonable excuse. 11  
12  
13
- Maximum penalty—50 penalty units. 14
- (2) It is a reasonable excuse for an individual not to comply with the requirement if complying might tend to incriminate the individual or expose the individual to a penalty. 15  
16  
17
- 156 Custody of document given to authorised person** 18
- (1) If a document or other thing is given to an authorised person under this division, the authorised person may— 19  
20
- (a) keep the document or thing for a reasonable period for performing the function for which the document or thing is given; and 21  
22  
23
- (b) if it is a document, take extracts from it and make copies of it. 24  
25
- (2) While the authorised person has possession of the document or other thing, the authorised person must allow it to be inspected at any reasonable time by a person who would have the right to inspect it if it were not in the authorised person's possession. 26  
27  
28  
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<b>Division 6</b>	<b>Seizure by authorised persons and forfeiture</b>	1 2
<b>Subdivision 1</b>	<b>Power to seize</b>	3
<b>157</b>	<b>Seizing evidence at a place that may be entered without consent or warrant</b>	4 5
	An authorised person who enters a place under this Act without the consent of an occupier of a place and without a warrant may seize a thing at the place if the authorised person reasonably believes the thing is—	6 7 8 9
	(a) relevant to—	10
	(i) a report being prepared by the authorised person under this Act; or	11 12
	(ii) an investigation being carried out by the authorised person; or	13 14
	(b) evidence of an offence against this Act.	15
<b>158</b>	<b>Seizing evidence at a place that may be entered only with consent or warrant</b>	16 17
	(1) This section applies if—	18
	(a) an authorised person is authorised to enter a place only with the consent of an occupier of the place or a warrant; and	19 20 21
	(b) the authorised person enters the place after obtaining the consent or under a warrant.	22 23
	(2) If the authorised person enters the place with the occupier’s consent, the authorised person may seize a thing at the place only if—	24 25 26
	(a) the authorised person reasonably believes the thing is evidence of an offence against this Act; and	27 28

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- (b) seizure of the thing is consistent with the purpose of entry as explained to the occupier when asking for the occupier's consent. 1  
2  
3
- (3) If the authorised person enters the place under a warrant, the authorised person may seize the evidence for which the warrant was issued. 4  
5  
6
- (4) The authorised person may also seize anything else at the place if— 7  
8
  - (a) the authorised person reasonably believes the thing is— 9
    - (i) relevant to a report being prepared by the authorised person under this Act; or 10  
11
    - (ii) relevant to an investigation being carried out by the authorised person; or 12  
13
    - (iii) evidence of an offence against this Act; and 14
  - (b) the seizure is necessary to prevent the thing being— 15
    - (i) hidden, lost or destroyed; or 16
    - (ii) used to continue, or repeat, an offence. 17

## **Subdivision 2 Powers to support seizure** 18

### **159 Power to secure seized thing** 19

- (1) Having seized a thing under subdivision 1, an authorised person may— 20  
21
  - (a) leave the thing at the place where it was seized and take reasonable action to restrict access to it; or 22  
23
  - (b) move the thing from the place where it was seized. 24
- (2) For subsection (1)(a), the authorised person may, for example, seal the thing, or the entrance to the place of seizure, and mark the thing or place to show access to the thing or place is restricted. 25  
26  
27  
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<b>160</b>	<b>Offence to interfere</b>	1
(1)	If access to a seized thing is restricted under section 159, a person must not tamper with the thing or with anything used to restrict access to the thing without—	2 3 4
(a)	an authorised person’s approval; or	5
(b)	a reasonable excuse.	6
	Maximum penalty—50 penalty units.	7
(2)	If access to a place is restricted under section 159, a person must not enter the place in contravention of the restriction or tamper with anything used to restrict access to the place without—	8 9 10 11
(a)	an authorised person’s approval; or	12
(b)	a reasonable excuse.	13
	Maximum penalty—50 penalty units.	14
<b>Subdivision 3</b>	<b>Safeguards for seized things</b>	15
<b>161</b>	<b>Receipt for seized thing</b>	16
(1)	This section applies if an authorised person seizes anything under this division unless—	17 18
(a)	the authorised person reasonably believes there is no-one apparently in possession of the thing or the thing has been abandoned; or	19 20 21
(b)	because of the condition, nature and value of the thing it would be unreasonable to require the authorised person to comply with this section.	22 23 24
(2)	The authorised person must, as soon as practicable after seizing the thing, give an owner or person in control of the thing before it was seized a receipt for the thing that generally describes the thing and its condition.	25 26 27 28

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- (3) However, if an owner or person from whom the thing is seized is not present when it is seized, the receipt may be given by leaving it in a conspicuous position and in a reasonably secure way at the place at which the thing is seized. 1  
2  
3  
4
- (4) The receipt may relate to more than 1 seized thing. 5
- 162 Access to seized things** 6
- (1) Until a seized thing is forfeited or returned, an authorised person must allow an owner of the thing— 7  
8
- (a) to inspect it at any reasonable time and from time to time; and 9  
10
- (b) if it is a document—to copy it. 11
- (2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying. 12  
13
- (3) The inspection or copying must be allowed free of charge. 14
- 163 Return of seized thing** 15
- (1) This section applies if a seized thing is not forfeited. 16
- (2) The authorised person must return it to its owner— 17
- (a) generally—at the end of 6 months after the seizure; or 18
- (b) if proceedings involving the thing are started within 6 months, at the end of the proceedings and any appeal from the proceedings. 19  
20  
21
- (3) Despite subsection (1), if the thing was seized as evidence, the authorised person must return the thing seized to an owner as soon as practicable after the authorised person is satisfied its continued retention as evidence is no longer necessary. 22  
23  
24  
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<b>Subdivision 4</b>	<b>Forfeiture</b>	1
<b>164</b>	<b>Forfeiture of seized things</b>	2
(1)	The board may decide a seized thing is forfeited to the board if the authorised person who seized the thing—	3 4
(a)	after making reasonable inquiries, can not find its owner; or	5 6
(b)	after making reasonable efforts, can not return it to its owner.	7 8
(2)	However, the authorised person is not required to—	9
(a)	make inquiries if it would be unreasonable to make inquiries to find the owner; or	10 11
(b)	make efforts if it would be unreasonable to make efforts to return the thing to its owner.	12 13
(3)	Regard must be had to the thing’s nature, condition and value in deciding—	14 15
(a)	whether it is reasonable to make inquiries or efforts; and	16
(b)	if inquiries or efforts are to be made—what inquiries or efforts, including the period over which they are made, are reasonable.	17 18 19
<b>165</b>	<b>Dealing with forfeited things</b>	20
(1)	On the forfeiture of a thing to the board, the thing becomes the board’s property and may be dealt with by the board as the board considers appropriate.	21 22 23
(2)	Without limiting subsection (1), the board may destroy or otherwise dispose of the thing.	24 25

<b>Part 3</b>	<b>Reviews and proceedings</b>	1
<b>166</b>	<b>Who may apply for review</b>	2
	A governing body of a school that is given, or is entitled to be given, an information notice about a decision may apply to QCAT for a review of the decision.	3 4 5
<b>167</b>	<b>Summary proceedings for offences</b>	6
(1)	Proceedings for an offence against this Act must be taken in a summary way under the <i>Justices Act 1886</i> .	7 8
(2)	The proceeding must start—	9
(a)	within 1 year after the commission of the offence; or	10
(b)	within 6 months after the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.	11 12 13
<b>Chapter 5</b>	<b>Miscellaneous</b>	14
<b>168</b>	<b>School survey data</b>	15
(1)	The governing body of an accredited school must give the board details about the school prescribed by regulation ( <i>school survey data</i> ).	16 17 18
(2)	The school survey data must—	19
(a)	relate to the day prescribed by regulation (the <i>relevant day</i> ); and	20 21
(b)	be in the approved form.	22
(3)	The school survey data must be given within 7 days after the relevant day.	23 24

<b>169</b>	<b>Notification of change in circumstances</b>	1
(1)	The governing body of an accredited school must, within 7 days after the happening of each of the following events, give the board notice of the event—	2 3 4
(a)	the closure of the school;	5
(b)	the school stops offering a year of schooling for which it is accredited;	6 7
(c)	the governing body is affected by control action under the Corporations Act;	8 9
(d)	if the governing body is eligible for government funding for the school—the school starts to be operated for profit;	10 11 12
(e)	any other change in the governing body’s, or school’s, circumstances prescribed by regulation.	13 14
	Maximum penalty—20 penalty units.	15
(2)	For subsection (1)(c), the governing body is affected by control action under the Corporations Act if the governing body—	16 17 18
(a)	has executed a deed of company arrangement under the law; or	19 20
(b)	is the subject of a winding-up (whether voluntarily or under a court order) under that Act; or	21 22
(c)	is the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under that Act.	23 24 25
(3)	The governing body must, within 28 days after a person becomes a director, other than a declared director, of the governing body give the board a notice—	26 27 28
(a)	stating—	29
(i)	the name of the person; and	30
(ii)	the date the person was appointed as a director; and	31

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(b) accompanied by a copy of a current positive notice or  
current positive exemption notice for the person. 1  
2

Maximum penalty—20 penalty units. 3

(4) If the governing body is a RECI Act corporation, the  
governing body must, within 28 days after a person is validly  
nominated as a director of the governing body under section  
9(b)(ii), give the board a notice, signed by each declared  
director for the time being of the governing body— 4  
5  
6  
7  
8

(a) stating— 9

(i) the name of the nominated person; and 10

(ii) the date of the nomination; and 11

(b) accompanied by a copy of a current positive notice or  
current positive exemption notice for the person. 12  
13

Maximum penalty—20 penalty units. 14

(5) The governing body must, within 28 days after a person  
ceases to be a director, give the board a notice stating— 15  
16

(a) the name of the person; and 17

(b) the date the person ceased to be a director. 18

Maximum penalty—20 penalty units. 19

**170 Periodic demonstration of compliance** 20

(1) The board may, once every 5 years during a school's  
accreditation, give the school's governing body a notice  
asking the governing body to give the board information or a  
document that may help the board in deciding whether— 21  
22  
23  
24

(a) the governing body is, or continues to be, suitable to be  
the school's governing body; or 25  
26

(b) the school is complying with the accreditation criteria. 27

(2) The governing body must comply with the request within 6  
months after receiving the notice. 28  
29

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<b>171</b>	<b>Periodic demonstration of eligibility for government funding</b>	1 2
(1)	This section applies to the governing body of an accredited school that is eligible for government funding for the school.	3 4
(2)	The board may, once every 5 years during the school's accreditation, give the governing body a notice asking the governing body to give the board information or a document that may help the board reassess whether the board is satisfied the governing body meets the government funding eligibility criteria.	5 6 7 8 9 10
(3)	The governing body must comply with the request within 6 months after receiving the notice.	11 12
(4)	This section does not limit section 122.	13
<b>172</b>	<b>Disclosure of details of indictable offence</b>	14
(1)	Subsection (2) applies to a person who—	15
(a)	becomes a director of the governing body of an accredited school; and	16 17
(b)	has a criminal history.	18
(2)	The person must, within 7 days after becoming a director of the governing body, give the board a notice stating—	19 20
(a)	the name, address and date of birth of the person; and	21
(b)	details of any indictable offence included in the criminal history.	22 23
	Maximum penalty—20 penalty units.	24
(3)	Subsection (6) applies if a director of the governing body of an accredited school is convicted of an indictable offence.	25 26
(4)	Subsection (6) also applies if—	27
(a)	an application is made to the board for the accreditation of a school and the application has not been decided; and	28 29 30

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- (b) a director of the school’s governing body is convicted of an indictable offence. 1  
2
- (5) In addition, subsection (6) applies if— 3
- (a) an application is made to the board under section 39 for a change in an accredited school’s governing body and the application has not been decided; and 4  
5  
6
- (b) a director of the proposed governing body of the school is convicted of an indictable offence. 7  
8
- (6) The director must, within 7 days after the conviction, give the board a notice stating details of the indictable offence. 9  
10  
Maximum penalty—20 penalty units. 11
- (7) The board must ensure the notice and any other document or information given to the board under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given. 12  
13  
14  
15
- (8) In this section— 16
- convicted*, of an offence, means being found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction is recorded. 17  
18  
19
- indictable offence* includes an indictable offence dealt with summarily. 20  
21
- 173 Protection from civil liability** 22
- (1) The *Public Service Act 2008*, section 26C applies to a protected person who is not a State employee as if the person were a State employee for chapter 1, part 3, division 3 of that Act. 23  
24  
25  
26
- (2) If the *Public Service Act 2008*, section 26C prevents civil liability attaching to a protected person, section 26C(2)(b) of that Act does not apply in relation to the person. 27  
28  
29
- (3) In this section— 30
- protected person* means any of the following persons— 31



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(a)	a member of the board;	1
(b)	an authorised person;	2
(c)	a member of a committee established by the board.	3
<b>174</b>	<b>Publication of information identifying school operating without accreditation</b>	4 5
(1)	If the board, honestly and on reasonable grounds, believes a school is being operated without accreditation, the board may publish information that identifies, or is likely to lead to the identification of, the school.	6 7 8 9
(2)	The board and the board members are not liable, civilly, criminally or under an administrative process, for publishing the information.	10 11 12
(3)	Without limiting subsection (2)—	13
(a)	in a proceeding for defamation, the board and each member has a defence of absolute privilege for publishing the information; and	14 15 16
(b)	if the board or a member would otherwise be required to maintain confidentiality about the published information under an Act, oath, rule of law or practice—the board or member does not contravene the requirement by publishing the information.	17 18 19 20 21
<b>175</b>	<b>False or misleading information or documents</b>	22
(1)	A person must not give information to the board the person knows is false or misleading in a material particular. Maximum penalty—20 penalty units.	23 24 25
(2)	A person must not give the board a document containing information the person knows is false or misleading in a material particular. Maximum penalty—20 penalty units.	26 27 28 29

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- (3) Subsection (2) does not apply to a person if the person, when giving the document—
- (a) tells the board, to the best of the person’s ability, how it is false or misleading; and
  - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.
- 176 Confidentiality of information**
- (1) This section applies to the following persons—
- (a) a person who is, or was, the Minister;
  - (b) a person who is, or was, a member;
  - (c) a person who is, or was, a member of a committee established by the board or the previous board;
  - (d) a person who is, or was, an authorised person;
  - (e) another person who is, or was, involved in the administration of this Act, including, for example, as a public service employee.
- (2) The person must not disclose protected information if—
- (a) the disclosure would be likely to adversely affect the commercial interests of the person to whom the information relates; or
  - (b) the information is about a child and identifies, or is likely to identify, the child; or
  - (c) the information is about someone else’s criminal history.
- Maximum penalty—50 penalty units.
- (3) Subsection (2) does not apply if—
- (a) the information is disclosed—
    - (i) in the performance of functions under this Act; or
    - (ii) with the written consent of—

- 
- (A) if the person to whom the information relates is not a child—the person; or
- (B) if the person to whom the information relates is a child—a parent or guardian of the child; or
- (iii) to the person to whom the information relates; or
- (b) the information is otherwise publicly available; or
- (c) the information is given in both the following circumstances—
- (i) the chief executive gives the information to the Commonwealth or another State, or an entity of the Commonwealth or another State, under an agreement with the Commonwealth, other State or entity;
- (ii) the chief executive is satisfied the giving of the information is in the public interest; or
- (d) the information is disclosed to the chief executive to allow the chief executive to act under paragraph (c); or
- (e) the information is disclosed to a law enforcement agency and the person is reasonably satisfied the disclosure is necessary for the prevention, detection, investigation, prosecution or punishment of a criminal offence or a breach of a law imposing a penalty or sanction; or
- (f) the information is disclosed to a court for the purposes of the prosecution of a person for an offence in any jurisdiction; or
- (g) the disclosure of the information is authorised or permitted under an Act or required by law.
- (4) The Commonwealth, another State or an entity that receives information under subsection (3)(c)—
- (a) must not give the information to anyone else; and

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(b)	must ensure the information is used only for the purpose for which it was given.	1 2
(5)	In this section—	3
	<i>information</i> includes a document.	4
	<i>law enforcement agency</i> see the <i>Information Privacy Act 2009</i> , schedule 5, definition <i>law enforcement agency</i> , paragraph (a).	5 6 7
	<i>protected information</i> means information disclosed to, or obtained by, a person to whom this section applies in the course of performing, or because of, the person's functions under this Act.	8 9 10 11
<b>177</b>	<b>Impersonating authorised person</b>	12
	A person must not impersonate an authorised person.	13
	Maximum penalty—100 penalty units.	14
<b>178</b>	<b>Approval of forms</b>	15
	The board may approve forms for use under this Act.	16
<b>179</b>	<b>Regulation-making power</b>	17
(1)	The Governor in Council may make regulations under this Act.	18 19
(2)	A regulation may be made about fees, including the refunding of fees, for this Act.	20 21

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<b>Chapter 6</b>	<b>Repeal and transitional provisions</b>	1
		2
<b>Part 1</b>	<b>Repeal</b>	3
<b>180</b>	<b>Repeal</b>	4
	The Education (Accreditation of Non-State Schools) Act 2001, Act No. 60 is repealed.	5
		6
<b>Part 2</b>	<b>Transitional provisions</b>	7
<b>181</b>	<b>Definitions for part</b>	8
	In this part—	9
	<i>funding decision</i> means a decision of the Minister under repealed section 88.	10
		11
	<i>new board</i> means the board as continued in existence under section 97(1).	12
		13
	<i>repealed</i> , in relation to a section, means the section of the repealed Act.	14
		15
	<i>repealed Act</i> means the <i>Education (Accreditation of Non-State Schools) Act 2001</i> as in force before the commencement.	16
		17
		18
<b>182</b>	<b>Continuation of things done by or in relation to previous board</b>	19
		20
	(1) A thing done by or in relation to the previous board before the commencement is taken to be a thing done by or in relation to the new board.	21
		22
		23
	(2) Without limiting subsection (1)—	24

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(a)	an appointment of a member of the previous board is taken to be an appointment to the new board; and	1 2
(b)	any part of a term served by a person as a member of the previous board before the commencement is included in the term for which the person is taken to have been appointed as a member of the new board.	3 4 5 6
	<i>Example for subparagraph (b)—</i>	7
	A person was appointed as a member of the previous board for a term of 3 years. At the commencement, the person had served 2 years as a member of the previous board. The person is taken to have been appointed to the new board for a term of 3 years, and is taken to have already served 2 years of that term.	8 9 10 11 12
(c)	a guideline made by the previous board is taken to have been made by the new board.	13 14
<b>183</b>	<b>Applications for accreditation made but not decided</b>	15
(1)	This section applies to an application for accreditation for a school—	16 17
(a)	made by the governing body of the school under the repealed Act; and	18 19
(b)	about which, at the commencement, the previous board had not made a decision under repealed section 18 or 19.	20 21
(2)	The application—	22
(a)	is taken have been made under section 18(1); and	23
(b)	must be decided under this Act.	24
(3)	If an application does not include details of an attribute of accreditation of the school mentioned in section 19(4) (the <i>additional information</i> ), the governing body of the school must give the board the additional information.	25 26 27 28
(4)	If the governing body does not give the additional information to the board within 3 months after the commencement, the governing body is taken to have withdrawn the application.	29 30 31

<b>184</b>	<b>Applications for government funding made but not decided</b>	1 2
(1)	This section applies to an application for government funding for a school made, or taken to have been made, by the governing body of the school under the repealed Act if, at the commencement, the Minister had not decided the application under repealed section 88.	3 4 5 6 7
(2)	The application—	8
(a)	is taken to be an application by the governing body to be eligible for government funding for the school under section 78(1); and	9 10 11
(b)	must be decided under this Act.	12
(3)	The board must publish a notice about the application in a newspaper circulating throughout the school's catchment area stating—	13 14 15
(a)	the application is to be decided under chapter 3, part 2; and	16 17
(b)	that, under those provisions, the board is not required to consider any submissions made about the application under the repealed Act.	18 19 20
(4)	In this section—	21
	<i>catchment area</i> means	22
(a)	for a school that is in operation—the geographical area in which at least 80% of the school's students reside; or	23 24
(b)	for a school that is not in operation—the geographical area in which at least 80% of the school's prospective students are likely to reside.	25 26 27
<b>185</b>	<b>Continuation of accreditations under repealed Act</b>	28
(1)	This section applies to a school that, immediately before the commencement, was an accredited school under the repealed Act.	29 30 31

[s 186]

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- (2) The school is taken to be an accredited school under this Act. 1
- (3) The attributes of accreditation of the school are taken to be the 2  
same as the attributes of accreditation of the school under the 3  
school's previous accreditation. 4
- (4) However, if the school was accredited to provide a sector of 5  
schooling under the school's previous accreditation— 6
- (a) the school is taken to be accredited under this Act to 7  
provide each year of schooling within the sector of 8  
schooling; and 9
- (b) the student-intake day for each year of schooling is 10  
taken to be the first day of education of students at the 11  
school for the year of schooling under the school's 12  
previous accreditation. 13
- (5) The board must, as soon as practicable— 14
- (a) give the school a notice stating the details for the school 15  
required to be included in the register under section 16  
126(3); and 17
- (b) update the register to include the details for the school 18  
mentioned in section 126(3). 19
- (6) Section 30 does not apply to a school taken to be an accredited 20  
school under this section. 21
- (7) In this section— 22
- previous accreditation*, of a school, means the accreditation 23  
of the school under the repealed Act. 24
- sector of schooling* means a sector of schooling a school was 25  
accredited to provide under the repealed Act. 26

**186 Governing bodies taken to be eligible for government 27  
funding 28**

- (1) This section applies to a governing body of a school that, 29  
immediately before the commencement, was eligible for 30  
government funding for the school under the repealed Act. 31



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(2)	The governing body of the school is taken to be eligible for government funding for the school under this Act.	1 2
<b>187</b>	<b>Effect of provisional accreditations under repealed Act</b>	3
(1)	This section applies to a school that, immediately before the commencement, was a provisionally accredited school under the repealed Act.	4 5 6
(2)	The school is taken to be an accredited school under this Act.	7
(3)	The attributes of accreditation for the school are taken to be the same as the attributes of accreditation for the school under the school's previous provisional accreditation.	8 9 10
(4)	However, if the school was provisionally accredited to provide a sector of schooling under the school's previous provisional accreditation—	11 12 13
(a)	the school is taken to be accredited under this Act to provide each year of schooling within the sector of schooling; and	14 15 16
(b)	the student-intake day for each year of schooling is taken to be the first day of education of students at the school for the year of schooling under the school's previous provisional accreditation.	17 18 19 20
(5)	The board must, as soon as practicable—	21
(a)	give the school a notice stating the details for the school required to be included in the register under section 126(3); and	22 23 24
(b)	update the register to include the details for the school mentioned in section 126(3).	25 26
(6)	In this section—	27
	<i>previous provisional accreditation</i> , of a school, means the provisional accreditation of the school under the repealed Act.	28 29
	<i>sector of schooling</i> means any of the following groups of years of schooling—	30 31

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[s 188]

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(a)	preparatory year to year 3;	1
(b)	years 4 to 6;	2
(c)	years 7 to 10;	3
(d)	years 11 and 12.	4
<b>188</b>	<b>Assessment of provisionally accredited schools if initial assessment not started under repealed Act</b>	5 6
(1)	This section applies to a school if—	7
(a)	immediately before the commencement, the school was a provisionally accredited school under the repealed Act; and	8 9 10
(b)	at the commencement—	11
(i)	the earliest of the school’s student intake days has passed; and	12 13
(ii)	the board has not started an initial assessment under repealed section 32.	14 15
(2)	For applying section 30, a reference in section 30(2) to the student-intake day for the type of education is taken to be a reference to the commencement.	16 17 18
(3)	In this section—	19
	<i>student-intake day</i> means a student-intake day for a type of education that applied for the school under the school’s provisional accreditation under the repealed Act.	20 21 22
<b>189</b>	<b>Assessment of provisionally accredited schools if further assessment not started under repealed Act</b>	23 24
(1)	This section applies to a school if—	25
(a)	immediately before the commencement—	26
(i)	the school was a provisionally accredited school under the repealed Act; and	27 28

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(ii)	the school was operating under a provisional accreditation extended under repealed section 34(2); and	1 2 3
(b)	at the commencement, the board has not started a further assessment of the school under repealed section 34.	4 5
(2)	For applying section 30, a reference in section 30(2) to the student-intake day for the type of education is taken to be a reference to the commencement.	6 7 8
<b>190</b>	<b>Assessment of provisionally accredited schools if initial or further assessment started under repealed Act</b>	9 10
(1)	This section applies to a school if—	11
(a)	immediately before the commencement, the school was a provisionally accredited school under the repealed Act; and	12 13 14
(b)	at the commencement, the board—	15
(i)	has started an assessment under repealed section 32 or 34; and	16 17
(ii)	has not decided the school’s application for accreditation under repealed section 27.	18 19
(2)	The assessment—	20
(a)	is taken to have been started under section 30; and	21
(b)	must be continued under this Act.	22
<b>191</b>	<b>Compliance notices not complied with at commencement</b>	23
(1)	This section applies to a compliance notice given to the governing body of a school by the previous board under repealed section 61(2) if—	24 25 26
(a)	the compliance notice was given to the governing body before the commencement; and	27 28

[s 192]

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- (b) at the commencement, the governing body has not complied with the compliance notice. 1  
2
- (2) The compliance notice is taken to have been given to the governing body by the board under section 62(3). 3  
4
- 192 Show cause processes about accreditation not finally dealt with** 5  
6
- (1) This section applies if— 7
- (a) the previous board had given a show cause notice mentioned in repealed section 58A(2) or 64(2) to the governing body of a school; and 8  
9  
10
- (b) immediately before the commencement, the board had not finally dealt with the matters relating to the show cause notice (the *show cause process*). 11  
12  
13
- (2) The show cause notice is taken to have been given to the governing body by the board under section 67(2). 14  
15
- (3) The show cause process must continue under this Act. 16
- 193 Show cause process about eligibility for government funding not finally dealt with** 17  
18
- (1) This section applies if— 19
- (a) the previous board had given a show cause notice mentioned in repealed section 94(2) to the governing body of a school; and 20  
21  
22
- (b) immediately before the commencement, the board had not finally dealt with the matters relating to the show cause notice (the *show cause process*). 23  
24  
25
- (2) The show cause notice is taken to have been given to the governing body by the board under section 90(2). 26  
27
- (3) The show cause process must continue under this Act. 28

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<b>194</b>	<b>Reviews of funding decisions not finally dealt with</b>	1
(1)	This section applies if—	2
(a)	a person had applied for the review of a funding decision under repealed section 101 (the <i>review</i> ); and	3 4
(b)	immediately before the commencement, the Minister had not finally dealt with the review.	5 6
(2)	The Minister is taken to have decided to substitute the funding decision with a decision that the governing body is eligible for government funding.	7 8 9
<b>195</b>	<b>Reviews of other decisions not finally dealt with</b>	10
(1)	This section applies if—	11
(a)	a person had applied for the review of a decision, other than a funding decision, under repealed section 101 (the <i>review</i> ); and	12 13 14
(b)	immediately before the commencement, the Minister had not finally dealt with the review.	15 16
(2)	The repealed Act, chapter 4, continues to apply for dealing with the review as if the chapter had not been repealed.	17 18
<b>196</b>	<b>Effect of information notices given under repealed Act</b>	19
(1)	This section applies if, at the commencement—	20
(a)	a person has been given an information notice about a decision, other than a funding decision, under the repealed Act; and	21 22 23
(b)	the period within which the person may apply for a review of the decision under the notice has not ended; and	24 25 26
(c)	the person has not applied to have the decision reviewed.	27 28

[s 197]

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- (2) The repealed Act, chapter 4, continues to apply as if the chapter had not been repealed. 1  
2
- 197 Ineligible company** 3
- (1) This section applies if— 4
- (a) a school’s governing body was, immediately before the commencement, eligible for government funding for the school; and 5  
6  
7
- (b) the governing body was, immediately before the commencement, an ineligible company. 8  
9
- (2) While the governing body is an ineligible company and, except for section 10(a), it continues to meet the government funding eligibility criteria, sections 10(a) and 89(1)(a) do not apply to the governing body in relation to the school. 10  
11  
12  
13
- 198 Transitional regulation-making power** 14
- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature for which— 15  
16
- (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the repealed Act to the operation of this Act; and 17  
18  
19  
20
- (b) this Act does not make provision or sufficient provision. 21
- (2) Without limiting subsection (1), a transitional regulation may continue the operation of a provision of the repealed Act that is not included in this Act. 22  
23  
24
- (3) A transitional regulation may have retrospective operation to a day that is not earlier than the day of the commencement. 25  
26
- (4) A transitional regulation must declare it is a transitional regulation. 27  
28
- (5) This section and any transitional regulation expire 1 year after the day of commencement. 29  
30

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<b>Chapter 7</b>	<b>Amendment of legislation</b>	1
<b>Part 1</b>	<b>Amendment of this Act</b>	2
<b>199</b>	<b>Act amended</b>	3
	This part amends this <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	4 5
<b>200</b>	<b>Amendment of long title</b>	6
	Long title, from ‘for the schools,’—	7
	<i>omit, insert—</i>	8
	for the schools	9
<b>Part 2</b>	<b>Amendment of Building Act 1975</b>	10 11
<b>201</b>	<b>Act amended</b>	12
	This part amends the <i>Building Act 1975</i> .	13
<b>202</b>	<b>Amendment of s 216 (Meaning of <i>budget accommodation building</i>)</b>	14 15
	Section 216(5), definition <i>educational institution</i> , paragraph (b)—	16 17
	<i>omit, insert—</i>	18
	(b) an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> ;	19 20 21

[s 203]

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<b>Part 3</b>	<b>Amendment of Charitable and Non-Profit Gaming Act 1999</b>	1 2
<b>203</b>	<b>Act amended</b>	3
	This part amends the <i>Charitable and Non-Profit Gaming Act 1999</i> .	4 5
<b>204</b>	<b>Amendment of s 39 (Who may apply for category 3 gaming licence)</b>	6 7
	Section 39(c)—	8
	<i>omit, insert—</i>	9
	(c) a parents and friends association formed for a non-State school accredited under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> ; or	10 11 12 13
<b>Part 4</b>	<b>Amendment of Child Protection Act 1999</b>	14 15
<b>205</b>	<b>Act amended</b>	16
	This part amends the <i>Child Protection Act 1999</i> .	17
<b>206</b>	<b>Amendment of s 159D (Other definitions for ch 5A)</b>	18
	Section 159D, definition <i>prescribed entity</i> , paragraph (f)—	19
	<i>omit, insert—</i>	20
	(f) the principal of an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> ;	21 22 23



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<b>207</b>	<b>Amendment of s 159M (Particular prescribed entities giving and receiving relevant information)</b>	1 2
	Section 159M(1)(e)—	3
	<i>omit, insert—</i>	4
	(e) the principal of an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	5 6 7
<b>208</b>	<b>Amendment of sch 3 (Dictionary)</b>	8
	Schedule 3, definition <i>school</i> , paragraph (b)—	9
	<i>omit, insert—</i>	10
	(b) an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	11 12 13
<b>Part 5</b>	<b>Amendment of Education and Care Services Act 2013</b>	14 15
<b>209</b>	<b>Act amended</b>	16
	This part amends the <i>Education and Care Services Act 2013</i> .	17
<b>210</b>	<b>Amendment of sch 1 (Dictionary)</b>	18
	Schedule 1, definition <i>school</i> , paragraph (b)—	19
	<i>omit, insert—</i>	20
	(b) an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	21 22 23

[s 211]

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<b>Part 6</b>	<b>Amendment of Education and Care Services National Law (Queensland) Act 2011</b>	1
		2
		3
<b>211</b>	<b>Act amended</b>	4
	This part amends the <i>Education and Care Services National Law (Queensland) Act 2011</i> .	5
		6
<b>212</b>	<b>Amendment of s 10 (Education law)</b>	7
	Section 10(a)—	8
	<i>omit, insert—</i>	9
	(a) <i>Education (Accreditation of Non-State Schools) Act 2017</i> ;	10
		11
<b>Part 7</b>	<b>Amendment of Education (Capital Assistance) Act 1993</b>	12
		13
<b>213</b>	<b>Act amended</b>	14
	This part amends the <i>Education (Capital Assistance) Act 1993</i> .	15
		16
<b>214</b>	<b>Amendment of s 3 (Definitions)</b>	17
	(1) Section 3, definition <i>eligible non-State school</i> , paragraph (a)—	18
		19
	<i>omit, insert—</i>	20
	(a) a school, the governing body of which is eligible for government funding for the school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> ; and	21
		22
		23
		24

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(2)	Section 3, definition <i>non-State school</i> , ‘provisionally accredited, or accredited, under the <i>Education (Accreditation of Non-State Schools) Act 2001</i> ’—	1
	<i>omit, insert—</i>	2
	accredited under the <i>Education (Accreditation of Non-State Schools) Act 2017</i>	3
		4
<b>215</b>	<b>Amendment of s 10 (Listing with CAA)</b>	7
	Section 10(1), ‘ <i>Education (Accreditation of Non-State Schools) Act 2001</i> ’—	8
	<i>omit, insert—</i>	9
	<i>Education (Accreditation of Non-State Schools) Act 2017</i>	10
		11
		12
<b>216</b>	<b>Amendment of s 14 (Certain projects must not be funded)</b>	13
	Section 14(1)(c), ‘ <i>Education (Accreditation of Non-State Schools) Act 2001</i> , chapter 2, part 3A’—	14
	<i>omit, insert—</i>	15
	<i>Education (Accreditation of Non-State Schools) Act 2017</i> , chapter 2, part 4	16
		17
		18
<b>Part 8</b>	<b>Amendment of Education (General Provisions) Act 2006</b>	19
		20
<b>217</b>	<b>Act amended</b>	21
	This part amends the <i>Education (General Provisions) Act 2006</i> .	22
		23

[s 218]

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<b>218</b>	<b>Amendment of s 232 (Eligible options and providers)</b>	1
	Section 232(1), table, entry for an educational program provided under the <i>Education (Accreditation of Non-State Schools) Act 2001</i> , column 1, ‘ <i>Education (Accreditation of Non-State Schools) Act 2001</i> ’—	2 3 4 5
	<i>omit, insert—</i>	6
	<i>Education (Accreditation of Non-State Schools) Act 2017</i>	7 8
<b>219</b>	<b>Amendment of s 364 (Definitions for pt 10)</b>	9
	Section 364, definition <i>director</i> , from ‘ <i>Education</i> ’—	10
	<i>omit, insert—</i>	11
	<i>Education (Accreditation of Non-State Schools) Act 2017</i> , section 9.	12 13
<b>220</b>	<b>Amendment of s 370 (Requirement to give financial data)</b>	14
	Section 370—	15
	<i>insert—</i>	16
	(7) If the governing body does not comply with this section, the noncompliance is a ground for suspending payment of the allowance.	17 18 19
<b>221</b>	<b>Amendment of s 373 (Confidentiality of financial data)</b>	20
	(1) Section 373(3)(a)(ii)—	21
	<i>renumber</i> as section 373(3)(a)(iii).	22
	(2) Section 373(3)(a)—	23
	<i>insert—</i>	24
	(ii) under section 425A; or	25

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<b>222</b>	<b>Amendment of s 374 (Allowance acquittal details)</b>	1
(1)	Section 374(2) and (3), ‘board’—	2
	<i>omit, insert—</i>	3
	Minister	4
(2)	Section 374—	5
	<i>insert—</i>	6
	(2A) The governing body must ensure the allowance acquittal details for the school for the year are approved by an accountant.	7 8 9
(3)	Section 374(4), ‘stopping’—	10
	<i>omit, insert—</i>	11
	suspending	12
(4)	Section 374(5)—	13
	<i>omit, insert—</i>	14
	(5) In this section—	15
	<b>accountant</b> means—	16
	(a) a member of CPA Australia who is entitled to use the letters ‘CPA’ or ‘FCPA’; or	17 18
	(b) a member of The Institute of Chartered Accountants in Australia who is entitled to use the letters ‘CA’ or ‘FCA’; or	19 20 21
	(c) a member of the Institute of Public Accountants who is entitled to use the words ‘MIPA’ or ‘FIPA’.	22 23 24
<b>223</b>	<b>Replacement of ss 375–381</b>	25
	Sections 375 to 381—	26
	<i>omit, insert—</i>	27

[s 224]

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<b>375 Minister may suspend allowances</b>	1
(1) This section applies if the Minister believes a ground mentioned in section 370(7) or 374(4) exists for suspending payment of the allowance.	2 3 4
(2) The Minister must decide whether payment of the allowance should be suspended.	5 6
(3) If the Minister decides that payment of the allowance should be suspended, the Minister must as soon as practicable give the board and governing body notice of the decision and reasons for the decision.	7 8 9 10 11
(4) The notice must state the day from which the suspension starts.	12 13
<b>376 Minister must pay suspended allowances if allowance acquittal details given</b>	14 15
(1) This section applies if—	16
(a) the Minister suspends payment of an allowance to a governing body under section 375; and	17 18 19
(b) after the payment is suspended, the governing body gives the Minister the financial data or allowance acquittal details relating to the ground for suspending payment of the allowance.	20 21 22 23 24
(2) The Minister must pay the governing body the amount of the allowance that was not paid because of the suspension.	25 26 27
<b>224 Amendment of s 382 (False or misleading statement)</b>	28
(1) Section 382—	29
<i>insert—</i>	30

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(2A)	In giving the Minister the allowance acquittal details for a non-State school, a person must not give information the person knows is false or misleading in a material particular.	1 2 3 4
	Maximum penalty—20 penalty units.	5
(2B)	In giving the Minister the allowance acquittal details for a non-State school, a person must not give a document containing information the person knows is false or misleading in a material particular.	6 7 8 9 10
	Maximum penalty—20 penalty units.	11
(2)	Section 382(3), ‘Subsection (2) does’— <i>omit, insert—</i>	12 13
	Subsections (2) and (4) do	14
(3)	Section 382(2A), (2B) and (3)— <i>renumber</i> as section 382(3), (4) and (5).	15 16
<b>225</b>	<b>Insertion of new s 425A</b>	17
	Chapter 19— <i>insert—</i>	18 19
	<b>425A Exchange of school’s financial information</b>	20
(1)	A relevant entity may enter into an arrangement (an <i>information-sharing arrangement</i> ) with another relevant entity for the purpose of sharing or exchanging financial information about a school—	21 22 23 24 25
	(a) held by 1 of the relevant entities; or	26
	(b) to which 1 of the relevant entities has access.	27 28
(2)	An information-sharing arrangement may relate only to financial information that assists 1 or both	29 30

[s 226]

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of the relevant entities perform the relevant entity's functions.	1 2
(3) Under an information-sharing arrangement, each relevant entity is, despite any other Act or law, authorised to ask for and receive financial information held by the other relevant entity to the arrangement or to which the other relevant entity has access.	3 4 5 6 7 8
(4) In this section— <i>financial information</i> includes—	9 10
(a) financial data for a non-State school in receipt of subsidy; and	11 12
(b) allowance acquittal details for a non-State school.	13 14
<i>relevant entity</i> means—	15
(a) the Minister; or	16
(b) the chief executive; or	17
(c) the board.	18
<b>226 Amendment of sch 4 (Dictionary)</b>	19
(1) Schedule 4, definitions <i>board</i> and <i>non-State school</i> — <i>omit.</i>	20 21
(2) Schedule 4— <i>insert—</i>	22 23
<i>allowance acquittal details</i> , for a non-State school for a year, means details of how an allowance has been expended, during the year, by the school's governing body.	24 25 26 27
<i>board</i> means the Non-State Schools Accreditation Board continued in existence under the <i>Education (Non-State Schools Accreditation)</i>	28 29 30



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- Act 2017*, section 97(1). 1
- non-State school*** means an accredited school 2  
under the *Education (Accreditation of Non-State* 3  
*Schools) Act 2017*. 4
- (3) Schedule 4, definition *accepted representations*, paragraph 5  
(e)— 6  
*omit*. 7
- (4) Schedule 4, definition *educational program*, paragraph (b), 8  
'*Education (Accreditation of Non-State Schools) Act 2001*'— 9  
*omit, insert*— 10  
*Education (Accreditation of Non-State Schools)* 11  
*Act 2017* 12
- (5) Schedule 4, definition *non-State school in receipt of subsidy*, 13  
'*Education (Accreditation of Non-State Schools) Act 2001*'— 14  
*omit, insert*— 15  
*Education (Accreditation of Non-State Schools)* 16  
*Act 2017* 17
- (6) Schedule 4, definition *school of distance education*, paragraph 18  
(b), 'or provisionally accredited under the *Education* 19  
(*Accreditation of Non-State Schools) Act 2001*'— 20  
*omit, insert*— 21  
under the *Education (Accreditation of Non-State* 22  
*Schools) Act 2017* 23

[s 227]

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<b>Part 9</b>	<b>Amendment of Education (Overseas Students) Regulation 2014</b>	1 2 3
<b>227</b>	<b>Regulation amended</b>	4
	This part amends the <i>Education (Overseas Students) Regulation 2014</i> .	5 6
<b>228</b>	<b>Amendment of s 3 (Definitions for pt 2)</b>	7
(1)	Section 3, definition <i>non-State school</i> — <i>omit.</i>	8 9
(2)	Section 3— <i>insert</i> —	10 11
	<i>non-State school</i> means an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	12 13 14
<b>Part 10</b>	<b>Amendment of Education (Queensland College of Teachers) Act 2005</b>	15 16 17
<b>229</b>	<b>Act amended</b>	18
	This part amends the <i>Education (Queensland College of Teachers) Act 2005</i> .	19 20
<b>230</b>	<b>Amendment of s 287 (Other information sharing agreements)</b>	21 22
	Section 287(5), definition <i>relevant agency</i> , paragraph (c)— <i>omit, insert</i> —	23 24

	(c) the Non-State Schools Accreditation Board continued in existence under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> , section 97(1).	1 2 3 4
<b>231</b>	<b>Amendment of sch 3 (Dictionary)</b>	5
	(1) Schedule 3, definition <i>non-State school</i> —	6
	<i>omit.</i>	7
	(2) Schedule 3—	8
	<i>insert</i> —	9
	<i>non-State school</i> means an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	10 11 12
<b>Part 11</b>	<b>Amendment of Education (Queensland Curriculum and Assessment Authority) Act 2014</b>	13 14 15 16
<b>232</b>	<b>Act amended</b>	17
	This part amends the <i>Education (Queensland Curriculum and Assessment Authority) Act 2014</i> .	18 19
<b>233</b>	<b>Amendment of sch 1 (Dictionary)</b>	20
	(1) Schedule 1, definition <i>non-State school</i> —	21
	<i>omit.</i>	22
	(2) Schedule 1—	23
	<i>insert</i> —	24
	<i>non-State school</i> means an accredited school	25

[s 234]

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	under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	1 2
<b>Part 12</b>	<b>Amendment of Education (Work Experience) Act 1996</b>	3 4
<b>234 Act amended</b>		5
	This part amends the <i>Education (Work Experience) Act 1996</i> .	6
<b>235 Amendment of schedule (Dictionary)</b>		7
(1)	Schedule, definition <i>non-State school</i> — <i>omit</i> .	8 9
(2)	Schedule— <i>insert</i> —	10 11
	<i>non-State school</i> means an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	12 13 14
<b>Part 13</b>	<b>Amendment of Environmental Protection Act 1994</b>	15 16
<b>236 Act amended</b>		17
	This part amends the <i>Environmental Protection Act 1994</i> .	18
<b>237 Amendment of s 440K (Definitions for pt 3B)</b>		19
	Section 440K, definition <i>educational institution</i> , paragraph (b)— <i>omit, insert</i> —	20 21 22

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	(b) an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> ; or	1 2 3
<b>Part 14</b>	<b>Amendment of Family Responsibilities Commission Act 2008</b>	4 5 6
<b>238 Act amended</b>		7
	This part amends the <i>Family Responsibilities Commission Act 2008</i> .	8 9
<b>239 Amendment of s 90 (Definitions for pt 8)</b>		10
	Section 90, definition <i>prescribed entity</i> , paragraph (c)— <i>omit, insert—</i>	11 12
	(c) the principal of an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	13 14 15
<b>240 Amendment of schedule (Dictionary)</b>		16
(1) Schedule, definition <i>non-State school—omit.</i>		17 18
(2) Schedule— <i>insert—</i>		19 20
	<b><i>non-State school</i></b> means an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	21 22 23

[s 241]

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<b>Part 15</b>	<b>Amendment of Grammar Schools Act 2016</b>	1 2
<b>241 Act amended</b>		3
	This part amends the <i>Grammar Schools Act 2016</i> .	4
<b>242 Amendment of s 38 (Basis for appointment)</b>		5
	Section 38(b), ‘Accreditation Act, section 64’—	6
	<i>omit, insert—</i>	7
	<i>Education (Accreditation of Non-State Schools) Act 2017, section 67</i>	8 9
<b>243 Amendment of s 39 (Notice of proposed appointment)</b>		10
	Section 39(4)—	11
	<i>omit, insert—</i>	12
	(4) If the Minister decides to make the appointment, the Minister must, before publishing the gazette notice under which the appointment is made, give a notice of the decision to—	13 14 15 16
	(a) the board; and	17
	(b) the Non-State Schools Accreditation Board under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	18 19 20
<b>244 Amendment of s 47 (Administrator’s powers and functions)</b>		21 22
	Section 47(3), ‘Accreditation Act’—	23
	<i>omit, insert—</i>	24
	<i>Education (Accreditation of Non-State Schools) Act 2017</i>	25 26

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<b>245</b>	<b>Amendment of sch 1 (Dictionary)</b>	1
	(1) Schedule 1, definition <i>Accreditation Act</i> —	2
	<i>omit.</i>	3
	(2) Schedule 1, definition <i>non-grammar school</i> , paragraph (b), 'Accreditation Act, section 6'—	4
	<i>omit, insert—</i>	5
	<i>Education (Accreditation of Non-State Schools)</i>	6
	<i>Act 2017, section 6</i>	7
		8
<b>Part 16</b>	<b>Amendment of Planning Act 2016</b>	9
		10
<b>246</b>	<b>Act amended</b>	11
	This part amends the <i>Planning Act 2016</i> .	12
<b>247</b>	<b>Amendment of s 113 (Adopting charges by resolution)</b>	13
	Section 113(6), definition <i>non-State school</i> , ' <i>Education</i> ( <i>Accreditation of Non-State Schools</i> ) <i>Act 2001</i> , section 6'—	14
	<i>omit, insert—</i>	15
	<i>Education (Accreditation of Non-State Schools)</i>	16
	<i>Act 2017, section 6</i>	17
		18
<b>Part 17</b>	<b>Amendment of Public Guardian Act 2014</b>	19
		20
<b>248</b>	<b>Act amended</b>	21
	This part amends the <i>Public Guardian Act 2014</i> .	22

[s 249]

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<b>249</b>	<b>Amendment of s 86 (Prescribed entities)</b>	1
	Section 86(n)—	2
	<i>omit, insert—</i>	3
	(n) the principal of an accredited school under	4
	the <i>Education (Accreditation of Non-State</i>	5
	<i>Schools) Act 2017</i> ;	6
<b>Part 18</b>	<b>Amendment of Public Health</b>	7
	<b>Act 2005</b>	8
<b>250</b>	<b>Act amended</b>	9
	This part amends the <i>Public Health Act 2005</i> .	10
<b>251</b>	<b>Amendment of s 180 (Directions to person in charge of school, education and care service or QEC approved service)</b>	11
	Section 180(2)(a), ‘ <i>Education (Accreditation of Non-State</i>	12
	<i>Schools) Act 2001</i> ’—	13
	<i>omit, insert—</i>	14
	<i>Education (Accreditation of Non-State Schools)</i>	15
	<i>Act 2017</i>	16
<b>252</b>	<b>Amendment of s 181 (Temporary closure of school, education and care service or QEC approved service)</b>	17
	Section 181(2)(a), ‘ <i>Education (Accreditation of Non-State</i>	18
	<i>Schools) Act 2001</i> ’—	19
	<i>omit, insert—</i>	20
	<i>Education (Accreditation of Non-State Schools)</i>	21
	<i>Act 2017</i>	22
		23
		24
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<b>Part 19</b>	<b>Amendment of Public Health (Medicinal Cannabis) Regulation 2017</b>	1 2 3
<b>253</b>	<b>Regulation amended</b> This part amends the <i>Public Health (Medicinal Cannabis) Regulation 2017</i> .	4 5 6
<b>254</b>	<b>Amendment of s 58 (Prescribed persons—Act, s 61(7), definition <i>prescribed person</i>)</b> (1) Section 58(2), definition <i>non-State school</i> — <i>omit.</i> (2) Section 58(2)— <i>insert—</i>  <i>non-State school</i> means an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	7 8 9 10 11 12 13 14 15
<b>Part 20</b>	<b>Amendment of Residential Services (Accreditation) Act 2002</b>	16 17 18
<b>255</b>	<b>Act amended</b> This part amends the <i>Residential Services (Accreditation) Act 2002</i> .	19 20 21
<b>256</b>	<b>Amendment of sch 2 (Dictionary)</b> Schedule 2, definition <i>school</i> , paragraph (b)— <i>omit, insert—</i>	22 23 24

[s 257]

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	(b) an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	1 2 3
<b>Part 21</b>	<b>Amendment of Residential Tenancies and Rooming Accommodation Act 2008</b>	4 5 6
<b>257 Act amended</b>		7
	This part amends the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> .	8 9
<b>258 Amendment of sch 2 (Dictionary)</b>		10
	Schedule 2, definition <i>school</i> , paragraph (b)—	11
	<i>omit, insert—</i>	12
	(b) an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	13 14 15
<b>Part 22</b>	<b>Amendment of Tobacco and Other Smoking Products Act 1998</b>	16 17 18
<b>259 Act amended</b>		19
	This part amends the <i>Tobacco and Other Smoking Products Act 1998</i> .	20 21

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<b>260</b>	<b>Amendment of s 26VQ (Person must not smoke at or near school facility)</b>	1 2
(1)	Section 26VQ(4), definition <i>non-State school</i> , from ‘or’— <i>omit, insert—</i>	3 4
	under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	5 6
(2)	Section 26VQ(4), definition <i>school facility</i> , paragraph (b), ‘ <i>Education (Accreditation of Non-State Schools) Act 2001</i> ’— <i>omit, insert—</i>	7 8 9
	<i>Education (Accreditation of Non-State Schools) Act 2017</i>	10 11
<b>Part 23</b>	<b>Amendment of Transport Operations (Passenger Transport) Regulation 2005</b>	12 13 14
<b>261</b>	<b>Regulation amended</b>	15
	This part amends the <i>Transport Operations (Passenger Transport) Regulation 2005</i> .	16 17
<b>262</b>	<b>Amendment of sch 11 (Dictionary)</b>	18
	Schedule 11, definition <i>school students</i> , paragraph (b)— <i>omit, insert—</i>	19 20
	(b) an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	21 22 23

[s 263]

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<b>Part 24</b>	<b>Amendment of Weapons Act 1990</b>	1 2
<b>263</b>	<b>Act amended</b> This part amends the <i>Weapons Act 1990</i> .	3 4
<b>264</b>	<b>Amendment of s 51 (Possession of a knife in a public place or a school)</b> Section 51(7), definition <i>school</i> , paragraph (b), ‘ <i>Education (Accreditation of Non-State Schools) Act 2001</i> ’— <i>omit, insert—</i> <i>Education (Accreditation of Non-State Schools) Act 2017</i>	5 6 7 8 9 10 11
<b>Part 25</b>	<b>Amendment of Workers’ Compensation and Rehabilitation Act 2003</b>	12 13 14
<b>265</b>	<b>Act amended</b> This part amends the <i>Workers’ Compensation and Rehabilitation Act 2003</i> .	15 16 17
<b>266</b>	<b>Amendment of s 22 (Students)</b> (1) Section 22(4), definition <i>non-State school</i> — <i>omit.</i> (2) Section 22(4)— <i>insert—</i> <i>non-State school</i> means an accredited school under the <i>Education (Accreditation of Non-State</i>	18 19 20 21 22 23 24

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	<i>Schools) Act 2017.</i>	1
<b>Part 26</b>	<b>Amendment of Working with Children (Risk Management and Screening) Act 2000</b>	2
		3
		4
<b>267</b>	<b>Act amended</b>	5
	This part amends the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	6
		7
<b>268</b>	<b>Replacement of s 342 (Chief executive may give information about director of school's governing body to accreditation board)</b>	8
		9
		10
	Section 342—	11
	<i>omit, insert—</i>	12
	<b>342 Chief executive must give information about particular persons to accreditation board</b>	13
		14
	(1) The chief executive must, if asked in writing by the chairperson of the accreditation board, give the accreditation board the following information about a prescribed person—	15
		16
		17
		18
	(a) whether the prescribed person is the holder of a positive notice, negative notice, positive exemption notice or negative exemption notice;	19
		20
		21
		22
	(b) whether the prescribed person is an applicant under part 4, division 8 or part 5, division 7.	23
		24
		25
	(2) For subsection (1), the chairperson's request must include the following information—	26
		27

[s 268]

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- |     |  |                            |
|-----|--|----------------------------|
| (a) | the prescribed person's name and any other name that the college believes the person may use or may have used;   | 1<br>2<br>3                |
| (b) | the prescribed person's gender and date and place of birth;  | 4<br>5                     |
| (c) | the prescribed person's address;   | 6                          |
| (d) | any number or date given by the prescribed person about a positive notice the person holds or claims to hold;  | 7<br>8<br>9                |
| (e) | if the prescribed person is a director of a school's governing body—the name of the school's governing body of which the person is a director.   | 10<br>11<br>12<br>13       |
| (3) | The chief executive must give the accreditation board notice of the following—   | 14<br>15                   |
| (a) | the issue of a negative notice or negative exemption notice to a prescribed person;  | 16<br>17                   |
| (b) | the suspension of the positive notice of a prescribed person under section 240 or 242;   | 18<br>19                   |
| (c) | the cancellation of a suspended positive notice of a prescribed person, and the issue of a further prescribed notice or an exemption notice in relation to the cancellation, under section 241 or 243; | 20<br>21<br>22<br>23<br>24 |
| (d) | the cancellation of the positive notice of a prescribed person under section 244;  | 25<br>26                   |
| (e) | the positive exemption notice of a prescribed person ceasing to have effect under section 289;   | 27<br>28<br>29             |
| (f) | the suspension of the positive exemption notice of a prescribed person under section 298;  | 30<br>31<br>32             |

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- (g) the cancellation of a suspended positive exemption notice of a prescribed person, and the issue of a further exemption notice in relation to the cancellation, under section 299;
- (h) the cancellation of the positive exemption notice of a prescribed person under section 302;
- (i) the withdrawal of an application under part 4, division 8 or part 5, division 7 of a prescribed person.
- (4) Also, if a prescribed notice application is made about a prescribed person whom the chief executive is satisfied is a disqualified person, the chief executive must give the accreditation board notice about the chief executive's decision and that the application is invalid.
- (5) In this section—
- chairperson** see the *Education (Accreditation of Non-State Schools) Act 2017*, schedule 1.
- issue**—
- (a) in relation to a negative notice—includes substitute a negative notice after cancelling a positive notice; and
- (b) in relation to a negative exemption notice—includes substitute a negative exemption notice after cancelling a positive exemption notice or positive notice.
- prescribed person** means—
- (a) a director of a school's governing body; or
- (b) an authorised person under the *Education (Accreditation of Non-State Schools) Act 2017*.

[s 269]

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<b>269</b>	<b>Amendment of sch 1 (Regulated employment and businesses for employment screening)</b>	1
		2
	Schedule 1, part 2, section 25—	3
	<i>omit, insert—</i>	4
	<b>25 Non-State schools—directors of governing bodies and authorised persons</b>	5
		6
	A person is taken to be a person carrying on a regulated business by being—	7
		8
	(a) a director of the governing body of an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> ; or	9
		10
		11
		12
	(b) an authorised person under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	13
		14
		15
<b>270</b>	<b>Amendment of sch 7 (Dictionary)</b>	16
(1)	Schedule 7, definition <i>accreditation board—</i>	17
	<i>omit.</i>	18
(2)	Schedule 7, definition <i>director</i> , ‘ <i>Education (Accreditation of Non-State Schools) Act 2001</i> , schedule 3’—	19
		20
	<i>omit, insert—</i>	21
	<i>Education (Accreditation of Non-State Schools) Act 2001</i> , schedule 1	22
		23
(3)	Schedule 7, definition <i>school</i> , paragraph (b)—	24
	<i>omit, insert—</i>	25
	(b) an accredited school under the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	26
		27
		28
(4)	Schedule 7—	29
	<i>insert—</i>	30



*accreditation board* means the Non-State Schools  
Accreditation Board continued in existence under  
the *Education (Accreditation of Non-State  
Schools) Act 2001*, section 97(1). 1  
2  
3  
4

<b>Schedule 1</b>	<b>Dictionary</b>	1
	section 4	2
	<i>accepted representation</i> —	3
	(a) for chapter 2, part 6, division 2—see section 67(3); or	4
	(b) for chapter 3, part 3, division 3—see section 90(3).	5
	<i>accreditation</i> , of a school, means the accreditation of the school under section 21.	6 7
	<i>accreditation criteria</i> see section 11.	8
	<i>accredited school</i> means a school accredited by the board under section 21.	9 10
	<i>accredited special assistance site</i> , for chapter 2, part 4, see section 48.	11 12
	<i>amalgamated school</i> , for chapter 2, part 5, division 2, see section 55.	13 14
	<i>amalgamating school</i> , for chapter 2, part 5, division 2, see section 55.	15 16
	<i>approved form</i> means a form approved by the board under section 178.	17 18
	<i>attribute of accreditation</i> , of a school, means an attribute mentioned in section 19(4) for each type of education provided by the school.	19 20 21
	<i>authorised person</i> means a person who is appointed as an authorised person under section 130(1).	22 23
	<i>board</i> means the Non-State Schools Accreditation Board continued in existence under section 97(1).	24 25
	<i>chairperson</i> means the chairperson of the board under section 106(1).	26 27
	<i>change</i> , in a school’s governing body, means a change that results in the school having a different governing body.	28 29

<i>change day</i> , for chapter 2, part 3, division 2, subdivision 1, see section 40(5)(b).	1 2
<i>change notice</i> , for chapter 2, part 3, division 2, subdivision 1, see section 40(5).	3 4
<i>classroom education</i> means education in which the teacher providing the education and the students receiving the education are in each other's presence.	5 6 7
<i>company</i> see the Corporations Act, section 9.	8
<i>company limited by guarantee</i> see the Corporations Act, section 9.	9 10
<i>compliance notice</i> —	11
(a) for chapter 2, part 6, divisions 1 and 2—see section 62(3); or	12 13
(b) for chapter 3, part 3, divisions 2 and 3—see section 87(2).	14 15
<i>criminal history</i> , of a person, means the person's criminal history within the meaning of the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , other than spent convictions.	16 17 18 19
<i>declared director</i> , of a school's governing body that is a RECI Act corporation, means—	20 21
(a) a person named in the letters patent for the governing body; or	22 23
(b) a successor of a person mentioned in paragraph (a).	24
<i>deputy chairperson</i> means the deputy chairperson of the board appointed under section 107(1).	25 26
<i>director</i> , of a school's governing body, see section 9.	27
<i>distance education</i> see the <i>Education (General Provisions) Act 2006</i> , schedule 4.	28 29
<i>dividing school</i> , for chapter 2, part 5, division 3, see section 58.	30 31

<i>electronic document</i> means a document of a type under the <i>Acts Interpretation Act 1954</i> , schedule 1, definition <i>document</i> , paragraph (c).	1 2 3
<i>eligible for government funding</i> see section 77.	4
<i>establishment phase school</i> , for a year of schooling, means an accredited school that—	5 6
(a) may, under its accreditation, provide education for a year of schooling at a site; and	7 8
(b) is yet to start to provide education for the year of schooling at the site.	9 10
<i>ineligible company</i> means a company that is not a company limited by guarantee.	11 12
<i>general power</i> see section 151(1).	13
<i>government funding</i> , for a school, means funding given by the State for any aspect of the operation of the school.	14 15
<i>grammar school</i> means a grammar school under the <i>Grammar Schools Act 2016</i> .	16 17
<i>help requirement</i> see section 152(1).	18
<i>information notice</i> , about a decision made by the board, means a notice complying with the <i>Queensland Civil and Administrative Tribunal Act 2009</i> , section 157(2).	19 20 21
<i>ISQ</i> means the Independent Schools Queensland Ltd ACN 614 893 140.	22 23
<i>letters patent</i> , for a school's governing body that is a RECI Act corporation, means the letters patent issued under the repealed <i>Religious Educational and Charitable Institutions Act 1861</i> establishing the governing body as a body corporate under that Act.	24 25 26 27 28
<i>Note—</i>	29
Letters patent under the repealed <i>Religious Educational and Charitable Institutions Act 1861</i> are continued in force under the <i>Associations Incorporation Act 1981</i> , section 144.	30 31 32
<i>meets the government funding eligibility criteria</i> , in relation to the governing body of a school, see section 10.	33 34

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<b>member</b> means a member of the board appointed under section 102(2).	1 2
<b>Minister’s consultation nominee</b> see section 102(1)(b).	3
<b>negative exemption notice</b> means a negative exemption notice under the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	4 5 6
<b>negative notice</b> means a negative notice under the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	7 8
<b>non-State school</b> see section 6.	9
<b>notice</b> means a written notice.	10
<b>occupier</b> , of a place, includes the following—	11
(a) if there is more than 1 person who apparently occupies the place—any 1 of the persons;	12 13
(b) any person at the place who is apparently acting with the authority of a person who apparently occupies the place;	14 15
(c) if no-one apparently occupies the place—any person who is an owner of the place.	16 17
<b>of</b> , a place, includes at or on the place.	18
<b>operated for profit</b> , in relation to a school, see section 7.	19
<b>positive exemption notice</b> means a positive exemption notice under the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	20 21 22
<b>positive notice</b> means a positive notice under the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	23 24
<b>premises</b> , of a special assistance school, includes a temporary site at which the school provides special assistance under chapter 2, part 4.	25 26 27
<b>preparatory year</b> see the <i>Education (General Provisions) Act 2006</i> , schedule 4.	28 29
<b>previous board</b> means the Non-State Schools Accreditation Board established under repealed section 105 and in existence immediately before the commencement.	30 31 32

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<i>primary education</i> see the <i>Education (General Provisions) Act 2006</i> , schedule 4.	1 2
<i>prohibited arrangement</i> see section 8.	3
<i>proposed decision</i> see section 90(2)(a).	4
<i>public place</i> , for chapter 2, part 4, see section 48.	5
<i>QCEC</i> means the Queensland Catholic Education Commission.	6 7
<i>RECI Act corporation</i> means a corporation that is incorporated under the repealed <i>Religious Educational and Charitable Institutions Act 1861</i> .	8 9 10
<i>register</i> means the register about accredited schools kept by the board under section 126.	11 12
<i>relevant attribute of accreditation</i> , for chapter 2, part 6, division 2, see section 64.	13 14
<i>relevant student-intake day</i> , for a school, for chapter 2, part 3, division 1, see section 34.	15 16
<i>school</i> see section 5.	17
<i>school survey data</i> , for a school, see section 168(1).	18
<i>secondary education</i> see the <i>Education (General Provisions) Act 2006</i> , schedule 4.	19 20
<i>separated school</i> , for chapter 2, part 5, division 3, see section 58.	21 22
<i>show cause notice</i> —	23
(a) for chapter 2, part 6, divisions 1 and 2—see section 67(2); or	24 25
(b) for chapter 3, part 4, divisions 2 and 3—see section 90(2).	26 27
<i>site</i> , for chapter 2, part 4, see section 48.	28
<i>special assistance</i> see section 14(3).	29
<i>special assistance school</i> means a school that is accredited to provide special assistance.	30 31

<b><i>special education</i></b> see the <i>Education (General Provisions) Act 2006</i> , schedule 4.	1 2
<b><i>spent conviction</i></b> means a conviction—	3
(a) for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and	4 5 6
(b) that is not revived as prescribed by section 11 of that Act.	7 8
<b><i>State school</i></b> see the <i>Education (General Provisions) Act 2006</i> , schedule 4.	9 10
<b><i>student-intake day</i></b> —	11
(a) for a type of education—means the first day of education of students at the school for the type of education under the school’s accreditation; or	12 13 14
(b) for a year of schooling—means the first day of education of students at the school for the year of schooling under the school’s accreditation.	15 16 17
<b><i>temporary site</i></b> , for chapter 2, part 4, see section 48.	18
<b><i>temporary site criteria</i></b> see section 49(1).	19
<b><i>vehicle</i></b> , for chapter 2, part 4, see section 48.	20