

Education Legislation Amendment Bill 2004

Explanatory notes for amendments to be moved during consideration in detail by The Honourable Anna Bligh MP

Title of the Bill

Education Legislation Amendment Bill 2004

Objectives of the Amendments

The objectives of the amendments are to:

- delay commencement of those sections of the Act concerned with undertaking criminal history checking of mature age students until 1 January 2005; and
- provide a power for the chief executive to waive the fee that must accompany an application for a mature age student notice.

Reasons for the Amendments

It is necessary to allow sufficient time to develop and distribute to schools all materials and information necessary for implementation of the legislation. This was not achievable if the provisions relating to mature age students were to commence on assent. Persons seeking to enrol as mature age students do not usually apply to enrol until shortly before they wish to commence. Delaying commencement of the relevant clauses until 1 January 2005 will ensure that all the processes and documentation necessary for implementation are in place in schools prior to commencement.

Following introduction of the Bill, consideration was given to the issue of how to manage applications for enrolment as mature age students, by persons in financial hardship. It has been decided that the legislation should contain a provision to allow the chief executive to waive payment of the fee for the conduct of the criminal history check where payment would result in financial hardship for the person.

Notes on Provisions

Amendment 1 amends Clause 2 to provide that the following sections of the Act will commence on 1 January 2005:

- section 21 (other than to the extent it inserts the definitions “financial data” and “non-State school in receipt of subsidy”) and
- sections 22 to 24 and 41; and

that Part 2 of the Act will commence on a day to be fixed by proclamation.

Amendment 2 amends Clause 41 to insert an additional provision in section 76B of the *Education (General Provisions) Regulation 2000*. This additional provision will enable the chief executive to waive, entirely or partly, payment of the fee prescribed in section 76B if the chief executive is satisfied that payment of the fee would cause financial hardship to the person liable to pay the fee.