



Queensland

COVID-19 Emergency Response Act 2020

Education Legislation (COVID-19 Emergency Response) Regulation 2020

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Education Legislation (COVID-19 Emergency Response) Regulation 2020

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Education Legislation (COVID-19 Emergency Response) Regulation 2020*.

2 Commencement

The following provisions are taken to have commenced on 31 March 2020—

- (a) sections 3 and 4;
- (b) part 2, divisions 1 and 3, other than sections 10 and 11.

3 Definitions

In this regulation—

authorise, for part 2, see section 5.

eligible period, for part 2, see section 6.

4 Declaration

This regulation is made under the *COVID-19 Emergency Response Act 2020*, sections 8 and 13.

Part 2 Modification of Acts and regulations

Division 1 Interpretation

5 Definitions for part

In this part—

authorise includes require.

eligible period see section 6.

6 Meaning of *eligible period*

- (1) Each of the following is an *eligible period*—
- (a) a period within which an entity is authorised to do a thing, including, for example, any of the things mentioned in the *COVID-19 Emergency Response Act 2020*, section 12(1)(a);
 - (b) a period at the end of which a thing expires, including, for example—
 - (i) a document; or
 - (ii) an identity card; or
 - (iii) an exemption; or
 - (iv) a term of office.
- (2) A reference in subsection (1)(a) to a period within which an entity is authorised to do a thing includes a reference to any expression of time provided for under a provision for doing the thing.

Examples of an expression of time in a provision—

- a provision requiring a person to do a thing immediately
- a provision requiring a person to do a thing promptly

- (3) A reference in this section to doing a thing includes a reference to omitting to do a thing.
- (4) In this section—
expires includes—
 - (a) stops having legal operation or effect; and
 - (b) stops being valid.

Division 2 Modification of Education (Accreditation of Non-State Schools) Act 2017 and Education (Accreditation of Non-State Schools) Regulation 2017

7 Application of division

- (1) This division applies for modifying particular provisions of the *Education (Accreditation of Non-State Schools) Act 2017* and the *Education (Accreditation of Non-State Schools) Regulation 2017*.
- (2) A reference in this division to the Act is a reference to the *Education (Accreditation of Non-State Schools) Act 2017*.
- (3) A reference in this division to the regulation is a reference to the *Education (Accreditation of Non-State Schools) Regulation 2017*.

8 Extension of particular periods provided for by Act and regulation

- (1) This section applies in relation to a provision of the Act or the regulation if—
 - (a) the provision provides for an eligible period; and
 - (b) the Act or the regulation does not expressly authorise an entity to modify the eligible period.

Examples of provisions in relation to which this section applies—

- sections 30(1) and 39(5) of the Act
 - section 24(7) of the regulation, definition *special assistance period*
- (2) The board may extend the eligible period for a period ending on or before 31 December 2020, if satisfied the extension is necessary for a purpose of the *COVID-19 Emergency Response Act 2020*.
- (3) The board’s power to extend the eligible period may be exercised—
- (a) if the extension applies generally or to a particular class of persons or matters—by notice published on the board’s website; or
 - (b) if the extension applies to a particular person—by giving the person notice of the extension and the reasons for the extension.
- (4) If the extension applies to a particular person, the power to extend the eligible period may be exercised on the board’s own initiative or on the application of the person.
- (5) In this section—
board see schedule 1 of the Act.

Division 3 Modification of Education (General Provisions) Act 2006 and Education (General Provisions) Regulation 2017

9 Application of division

- (1) This division provides for modifying particular provisions of the *Education (General Provisions) Act 2006* and the *Education (General Provisions) Regulation 2017*.
- (2) A reference in this division to the Act is a reference to the *Education (General Provisions) Act 2006*.

- (3) A reference in this division to the regulation is a reference to the *Education (General Provisions) Regulation 2017*.

10 **Modification of particular provisions of regulation about attendance at meetings**

- (1) This section applies in relation to a provision of the regulation if the provision requires or permits—
- (a) a person to physically attend a meeting for a particular purpose or particular matter; or
 - (b) an entity to call or hold a meeting for a particular purpose or particular matter.

Examples of provisions of the regulation in relation to which this section applies—

sections 35 and 36

- (2) A person who is required or permitted to attend the meeting may do so by using communication technology.

Examples of communication technology—

telephone, video conference

11 **Extension of particular periods provided for by Act and regulation—general**

- (1) This section applies in relation to a provision of the Act or the regulation, other than an excluded provision, if—
- (a) the provision provides for an eligible period; and
 - (b) the Act or the regulation does not expressly authorise an entity to modify the eligible period.

Examples of provisions in relation to which this section applies—

- sections 90(1), 109(7)(a)(i), 159(2), 370(2) and 374(2) of the Act
- sections 45(1) and 54(3) of the regulation

- (2) The chief executive may extend the eligible period for a period ending on or before 31 December 2020, if satisfied the

extension is necessary for a purpose of the *COVID-19 Emergency Response Act 2020*.

- (3) The chief executive's power to extend the eligible period may be exercised—
 - (a) if the extension applies generally or to a particular class of persons or matters—by notice published on the department's website; or
 - (b) if the extension applies to a particular person—by giving the person notice of the extension and the reasons for the extension.
- (4) If the extension applies to a particular person, the power to extend the eligible period may be exercised on the chief executive's own initiative or on the application of the person.
- (5) In this section—

excluded provision means—

 - (a) section 135(2) or a provision of chapter 9, part 5 of the Act; or
 - (b) section 44(1) of the regulation.

12 Extension of particular periods—Act, s 135 and regulation, s 44

- (1) The chief executive may extend, for a period ending on or before 31 December 2020, the period within which—
 - (a) an association must give the chief executive a copy of its audited accounts for a financial year under section 135(2) of the Act; or
 - (b) the annual general meeting of an association must be held under section 44(1) of the regulation.
- (2) However, the chief executive may extend the period only if satisfied the extension is necessary for a purpose of the *COVID-19 Emergency Response Act 2020*.

- (3) The chief executive's power to extend the period may be exercised—
 - (a) if the extension applies in relation to associations generally—by notice published on the department's website; or
 - (b) if the extension applies to a particular association—by giving the association notice of the extension and the reasons for the extension.
- (4) If the extension applies to a particular association, the power to extend the period may be exercised on the chief executive's own initiative or on the application of the association.

Division 4 Modification of Education (Queensland College of Teachers) Act 2005

13 Modification of requirement to attend before investigator—Act, s 181

- (1) The *Education (Queensland College of Teachers) Act 2005*, section 181 applies as if section 181(b) were omitted and the following provisions were inserted—
 - (b) to attend before the investigator to answer questions by—
 - (i) attending in person at a stated reasonable time and place; or
 - (ii) attending by audio link or audio visual link at a stated reasonable time; or
 - (c) to produce a stated thing to the investigator by—
 - (i) attending before the investigator at a stated reasonable time and place to produce the thing in person; or

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- (ii) producing the thing at or before a stated reasonable time in another stated way that does not involve physical attendance before the investigator.

Examples of a way a thing may be produced for subparagraph (ii)—

by post, by email

- (2) In this section—

audio link see the *Evidence Act 1977*, section 39C.

audio visual link see the *Evidence Act 1977*, schedule 3.

Part 3 Expiry of regulation

14 Expiry

This regulation expires on 31 December 2020.