



Queensland

# Education Legislation Amendment Regulation (No. 1) 2012

## Explanatory Notes for SL 2012 No. 32

made under the

*Education (Accreditation of Non-State Schools) Act 2001*  
*Education (General Provisions) Act 2006*

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## General outline

### Short title

*Education Legislation Amendment Regulation (No. 1) 2012.*

### Authorising law

Sections 365(3), 365A(4), 366(3) and 366A(5) of the Education (General Provisions) Act 2006 provide that a regulation may prescribe the particulars that a report about likely sexual abuse must include.

Section 9 of the Education (Accreditation of Non-State Schools) Act 2001 provides that a regulation may prescribe criteria relevant to a school's accreditation.

### Policy objectives and the reasons for them

The Regulation amends the Education (General Provisions) Regulation 2006 and the Education (Accreditation of Non-State Schools) Regulation 2001 to reflect the changes to mandatory reporting sections in the Education (General Provision) Act 2006 (EGPA) by the Education and Training Legislation Amendment Act 2011 (the Act).

The Act amends the EGPA by expanding obligations on school staff members in state and non-state schools in Queensland to report when they become aware or reasonably suspect a student has been sexually abused by any person. This builds on the existing provisions in the EGPA that require staff to report allegations of sexual abuse of students by employees of the school. The Act also amends the EGPA to require state and non-state school staff members to report where they reasonably suspect a student is likely to be sexually abused by any person.

Section 68 of the Education (General Provisions) Regulation 2006 (EGPR) lists the information that must be included in a report under the EGPA reporting requirements. It is necessary to amend this Regulation to reflect the expanded reporting requirements.

The Education (Accreditation of Non-State Schools) Regulation 2005 (Accreditation Regulation) prescribes the accreditation criteria relevant for a non-state school's accreditation. Section 10 of the Accreditation Regulation provides that a non-state school must have written processes about appropriate conduct of a non-state school's staff and students, that accord with legislation applying in the State about the care or protection of children. Section 10(5)(a) provides that these processes must include a process for reporting sexual abuse or suspected sexual abuse in compliance with the EGPA. It is necessary to amend the Accreditation Regulation to also require the processes to include a process for reporting likely sexual abuse in accordance with the expanded reporting requirements.

## **Achievement of the Objectives**

The objectives are achieved by:

- amending section 68 of the EGPR to reflect the expanded requirement to report suspected sexual abuse by any person, not just employees of the school;
- inserting a new section 68A into the EGPR to prescribe the requirements for reports about likely sexual abuse; and
- amending section 10(5) of the Accreditation Regulation to require the non-state school to have a process for reporting likely sexual abuse in accordance with the expanded reporting requirements.

## **Consistency with policy objectives of authorising law**

One of the objects of the EGPA is to make available to each Queensland child or young person a high-quality education that will (i) help maximise his or her educational potential; and (ii) enable him or her to become an effective and informed member of the community. The amendments to the EGPA to expand the reporting requirements is consistent with these objectives by enhancing the protection, safety and wellbeing of Queensland school students. The Regulation supports these amendments by prescribing the particulars required in reports about sexual abuse under the expanded requirements.

The objects of the Education (Accreditation of Non-State Schools) Act 2001 include upholding the standards of education at non-State schools and maintaining public confidence in the operation of non-State schools. The Regulation is consistent with these objects by ensuring the criteria regarding safety and wellbeing of students aligns with the expanded reporting requirements.

## **Consultation**

The Non-State Schools Accreditation Board, the Queensland Catholic Education Commission and Independent Schools Queensland were consulted about the Regulation.

## **Benefits and Costs of implementation**

There are no major costs of implementation.

The introduction of the new mandatory reporting requirements under the EGPA will require the development and implementation of staff training and revision of procedural documents, including reports about allegations of sexual abuse to support the implementation of the revised reporting requirements. No additional resources are exclusively required for implementation of the amendments in this Regulation.

## **Consistency with fundamental legislative principles**

This subordinate legislation is consistent with fundamental legislative principles.

## Notes on Provisions

Clause 1 sets out the short title of the Regulation.

Clause 2 states that the Regulation will commence on 9 July 2012.

Clause 3 states that the Regulation to be amended under Part 2 is the Accreditation Regulation.

Clause 4 amends section 10 of the Accreditation Regulation to insert a new criterion that a school must have written processes for reporting suspicions of likely sexual abuse in compliance with the new section 366A of the EGPA.

Clause 5 states that the regulation to be amended under Part 3 is the EGPR.

Clause 6 amends section 68 to reflect the expanded reporting requirement to include reporting of suspected sexual abuse by any person not just employees of the school.

Clause 7 inserts a new section 68A which outlines the particulars for a report about the likelihood of sexual abuse made under new sections 365A(4) and 366A(5).

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### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Education and Training.