



Queensland

*Education (General Provisions) Act 2006*

# **Education (General Provisions) Regulation 2017**

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Queensland

# Education (General Provisions) Regulation 2017

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# Education (General Provisions) Regulation 2017

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Education (General Provisions) Regulation 2017*.

### 2 Commencement

This regulation commences on 1 September 2017.

### 3 Definitions

The dictionary in schedule 6 defines particular words used in this regulation.

## Part 2 Management of State instructional institutions

### Division 1 Management generally

#### 4 Management of State instructional institution

- (1) The person in charge of a State instructional institution is its principal.
- (2) The principal must manage the institution in a way that—
  - (a) ensures effective, efficient and appropriate management of public resources; and
  - (b) promotes a caring, safe and supportive learning environment; and

- (c) supports and monitors the academic progress of all students of the institution.
- (3) Without limiting subsection (2), the principal must—
- (a) promote educational practices at the institution that lead to the improvement of student learning outcomes; and
  - (b) provide for the effective administration of matters relating to the students of the institution; and
  - (c) promote organisational and staffing structures at the institution that encourage each staff member of the institution to become, and continue to be, skilled, confident and responsible in performing his or her role as the staff member; and
  - (d) promote continuous evaluation and improvement of the institution's operations and delivery of services; and
  - (e) ensure the students of the school are effectively supervised; and
  - (f) while the students of the school are under the principal's care and control, take reasonable steps to ensure—
    - (i) the required standard of behaviour of the students is clearly defined; and
    - (ii) the standard of behaviour of the students is monitored.

## **5 Management of staff members**

The principal of a State instructional institution must—

- (a) allocate and supervise the work of each staff member of the institution; and
- (b) promptly report to the chief executive, in writing, known or suspected misconduct by a staff member of the institution; and
- (c) encourage teachers of the institution to use appropriate teaching techniques.



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## **6 Work of staff members outside period allocated for instruction**

- (1) The principal of a State instructional institution may require a staff member of the institution to work, on a school day, outside the period allocated by the principal for instruction at the institution on the day, if the principal considers it necessary and reasonable in the circumstances.
- (2) Without limiting subsection (1), the principal may require the staff member—
  - (a) to attend a staff meeting, on a school day, outside that period; and
  - (b) if the staff member is a teacher or teacher aide—to supervise the activities of students of the institution.

## **7 Teachers to perform allocated duties**

A teacher at a State instructional institution must—

- (a) perform the duties allocated to the teacher by the institution's principal; and
- (b) take an active interest in extracurricular activities at the institution; and
- (c) engage in professional development activities.

## **8 Who is to assume functions and responsibilities of principal if principal absent**

If the principal of a State instructional institution is absent from the institution, 1 of the following persons must assume the functions and responsibilities of the principal during the principal's absence, until otherwise directed by the chief executive—

- (a) a deputy principal of the institution;
- (b) if the principal or the principal's supervisor nominates another staff member of the institution to assume the functions and responsibilities—the other staff member.

## **9 Chief executive may give direction or guideline**

- (1) The chief executive may give a direction or guideline to a principal, teacher or other person about a function or power given to the principal, teacher or other person under this regulation.
- (2) The principal, teacher or other person must comply with the direction or guideline.

## **Division 2 Temporary removal of student's property**

### **10 Definition for division**

In this division—

*staff member*, of a State school, means anyone employed by the department at the school.

### **11 Power to remove property from student**

- (1) The principal or a staff member of a State school may remove from a student at the school any property in the student's possession if the principal or staff member is satisfied the removal is necessary—
  - (a) to promote the caring, safe and supportive learning environment of the school; or
  - (b) to maintain and foster mutual respect between staff members and students at the school; or
  - (c) to encourage all students attending the school to take responsibility for their own behaviour and the consequences of their actions; or
  - (d) to provide for the effective administration of matters relating to students of the school.
- (2) Under subsection (1), the property may, for example, be removed from a student to ensure compliance with—

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- (a) a policy or procedure for school discipline made under section 276 of the Act; or
  - (b) a direction or guideline given by the chief executive under the Act; or
  - (c) a policy approved, and implemented, by the chief executive under the Act.

## 12 Return of removed property

- (1) The principal or staff member must, within a reasonable time after the property was removed from the student, make the property available for collection by—
  - (a) the student; or
  - (b) a parent of the student, if—
    - (i) the student is a child; and
    - (ii) the principal considers it would be appropriate to make the property available for collection only by the parent considering—
      - (A) the condition, nature and value of the property; and
      - (B) the safety of the student, other students of the school and staff members of the school; and
      - (C) the good management, administration and control of the school.
- (2) Subsection (1)(b) does not apply if the principal is satisfied it would be inappropriate in the circumstances to make the property available for collection by a parent of the student.

*Example—*

It may be inappropriate for the property to be made available for collection by a parent of the student if the student is living independently of his or her parents.

- (3) The principal or other staff member is not required to make the property available for collection under subsection (1) if—

- (a) a police officer has seized the property under the *Police Powers and Responsibilities Act 2000*; or
  - (b) a police officer has indicated to a staff member of the school that a police officer will come to the school to investigate matters relating to the property, but no police officer has done so; or
  - (c) the principal or other staff member knows, or suspects, the student is not the owner of the property; or
  - (d) the principal or other staff member has made reasonable efforts to notify the student or a parent of the student that the property is available for collection, and has not been able to contact the student or a parent.
- (4) If the principal or staff member knows, or suspects, the student is not the owner of the property, the principal or staff member must make reasonable efforts to return the property to the owner.
- (5) In deciding what is a reasonable time for subsection (1), the student or staff member must consider—
- (a) the condition, nature and value of the property; and
  - (b) the circumstances in which the property was removed from the student; and
  - (c) the safety of the student, other students of the school and staff members of the school; and
  - (d) the good management, administration and control of the school.
- (6) The principal or other staff member must take reasonable care to ensure that property made available for collection under subsection (1) is in the same condition as it was in when the property was removed from the student.

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## Part 3 Property management

### 13 Permission to use premises

- (1) A person may apply to the chief executive for permission to use the premises of a State educational institution.
- (2) The application must—
  - (a) be in writing; and
  - (b) if the proposed use of the premises is for a social function at which liquor is to be consumed—include a request for permission to take liquor onto the premises.
- (3) The chief executive must, as soon as practicable after receiving the application, give the applicant notice of—
  - (a) the chief executive's decision on the application; and
  - (b) if the application includes a request for permission to take liquor onto the premises—the chief executive's decision on the request.
- (4) The chief executive can not give permission, under subsection (3), to take liquor onto the premises if the premises are a dry place or a part of a dry place.
- (5) The permission may be subject to the conditions the chief executive considers appropriate.
- (6) This section applies subject to sections 14 and 15.
- (7) In this section—

**dry place** see the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 27.

### 14 Agreement of association required

- (1) This section applies if—

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- (a) a person makes an application under section 13(1) for permission to use the premises of a State instructional institution; and
  - (b) the application includes a request, under section 13(2)(b), for permission to take liquor onto the premises; and
  - (c) an association has been formed for the institution.
- (2) The chief executive may give permission, under section 13(3), to take liquor onto the premises only if the association has agreed to—
- (a) liquor being taken onto the premises for consumption during the social function; and
  - (b) any conditions the chief executive proposes to impose under section 13(5).

## **15 Permission to take liquor of a particular type onto particular premises that are in restricted area**

- (1) The chief executive may give permission, under section 13(3), for a person to take liquor of a particular type onto particular premises, in a restricted area, only if—
- (a) the person holds a restricted area permit authorising the person to possess in the restricted area, for the purpose of the social function for which the permission is requested, more than the prescribed quantity of that type of liquor for the area; or
  - (b) otherwise—the permission is subject to the condition that the quantity of that type of liquor the person may take onto the premises is not more than the prescribed quantity of that type of liquor for the restricted area.
- (2) If the chief executive gives a person permission under section 13(3), and subsection (1)(a) applies to the person, the permission applies—
- (a) only for the times, and on the day or days, stated in the restricted area permit; and

- (b) only during the period stated in the restricted area permit; and
  - (c) subject to the *Liquor Act 1992* and any conditions on which the restricted area permit is held by the person.
- (3) In this section—

***prescribed quantity of type of liquor***, for a restricted area, means the quantity of that type of liquor stated in a regulation made under the *Liquor Act 1992*, section 173H that a person may have in possession in the area without a restricted area permit.

***restricted area*** means an area declared under the *Liquor Act 1992*, section 173G(1) to be a restricted area.

***restricted area permit*** means a restricted area permit granted under the *Liquor Act 1992*.

## 16 Care for property

- (1) This section applies to the following persons—
- (a) the principal, or a deputy principal or staff member, of a State instructional institution;
  - (b) a person who is in control of, or responsible for managing, a State educational institution's property.
- (2) A person to whom this section applies must take reasonable steps to care for the institution's property.
- (3) In this section—

***property*** means property that is, or forms part of, the premises or equipment of the institution.

# Part 4 Administration of students

## 17 Age for enrolment in preparatory year

- (1) The principal of a State school, or non-State school, may enrol a child in the preparatory year at the school only if the child

will be at least 5 years and 6 months on 31 December in the proposed year of attendance at the school.

*Example—*

A child who turns 5 on or before 30 June in a year will be at least 5 years and 6 months on 31 December in that year.

- (2) However, the principal may enrol a child in the preparatory year at the school if—
- (a) the child will be at least 5 years and 5 months on 31 December in the proposed year of attendance at the school; and

*Example—*

A child who turns 5 on or before 31 July in a year will be at least 5 years and 5 months on 31 December in that year.

- (b) the principal is satisfied the child is ready for education in the preparatory year, considering the child's attributes.
- (3) Also, the principal may enrol a child in the preparatory year at the school, regardless of the child's age, if the principal is satisfied the child—
- (a) had started education in another State or country that is equivalent to the preparatory year; and
- (b) is ready for education in the preparatory year, considering the child's attributes.
- (4) This section applies subject to chapter 8 of the Act.

## **18 Age for enrolment in years 1 to 6**

- (1) The principal of a State school, or non-State school, may enrol a child in a year of schooling from years 1 to 6 at the school only if the child will be at least 6 years and 6 months on 31 December in the proposed year of attendance at the school.

*Example—*

A child who turns 6 on or before 30 June in a year will be at least 6 years and 6 months on 31 December in that year.



- (2) However, the principal may enrol a child in a year of schooling from years 1 to 6 at the school, regardless of the child's age, if the principal is satisfied the child is ready for education in the year of schooling, considering the child's attributes.
- (3) This section applies subject to chapter 8 of the Act.

## 19 Documentary evidence of date of birth or parentage

- (1) If asked by the principal of a State school, documentary evidence of the date of birth of a student of the school must be given to the principal by—
  - (a) if the student is a child—a parent of the student; or
  - (b) if the student is an adult—the student.
- (2) Despite subsection (1)(a), if the student is a child, the principal may ask the student for the documentary evidence if the principal is satisfied it would be inappropriate in the circumstances for a parent of the student to give the evidence.

### *Example—*

It may be inappropriate for a parent of the student to give the evidence if the student is living independently of his or her parents.

- (3) If the principal asks the student for the documentary evidence, the student must give the evidence to the principal.
- (4) If asked by the principal of a State school, a person who claims to be a parent of a student, who is a child, of the school must give the principal documentary evidence of the person's parentage of the student.
- (5) In this section—  
*student* includes prospective student.

## 20 Absences to be recorded

If a student of a State school is absent from school, the school's principal must record the absence in the way decided by the chief executive.

## 21 Meaning of *unexplained absence*

- (1) If a student of a State school is absent from school, the absence is an *unexplained absence* if the principal, or a staff member, of the school has not been informed that the student will be absent and the reason for the absence, or the reason the student is or was absent, by—
  - (a) if the student is a child—a parent of the student; or
  - (b) if the student is an adult—the student.
- (2) Despite subsection (1)(a), if the student is a child, the student may inform the principal or a staff member of the school about the absence if the principal is satisfied it would be inappropriate in the circumstances for a parent of the student to inform the principal or a staff member of the school about the absence.

*Example—*

It may be inappropriate for a parent of the student to inform the principal or a staff member of the school about the absence if the student is living independently of his or her parents.

## 22 Reporting unexplained absences

- (1) This section applies if—
  - (a) a student of a State school is absent from school; and
  - (b) the absence is an unexplained absence.
- (2) If the student is a child, the school's principal must inform a parent of the student about the absence and ask the parent the reason for the absence.
- (3) Subsection (2) does not apply to the student if the principal is satisfied it would be inappropriate in the circumstances to inform a parent of the student about the absence.

*Example—*

It may be inappropriate to inform a parent of the student about the absence if the student is living independently of his or her parents.

- (4) The principal must ask the student the reason for the unexplained absence if—

- (a) the student is a child and subsection (2) does not apply to the student; or
  - (b) the student is an adult.
- (5) The principal may report an absence to a relevant authority if—
- (a) either—
    - (i) the absence is an unexplained absence; or
    - (ii) the absence was an unexplained absence and the principal asked the reason for the absence under subsection (2) or (4); and
  - (b) the principal considers it is appropriate to do so.

- (6) In this section—

*relevant authority* means an entity of the State to whom it is appropriate to report an unexplained absence, including, for example, a police officer and the department in which the *Child Protection Act 1999* is administered.

## **23 Other absences—principal may ask for clarification of reason for absence**

- (1) This section applies if—
- (a) a student of a State school is absent from school; and
  - (b) the absence is not an unexplained absence; and
  - (c) the principal of the school is not satisfied about the reason for the absence.
- (2) If the student is a child, the principal may ask a parent of the student the reason for the absence.
- (3) Subsection (2) does not apply to the student if the principal is satisfied it would be inappropriate in the circumstances to ask a parent of the student the reason for the absence.

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*Example—*

It may be inappropriate to ask a parent of the student the reason for the student's absence if the student is living independently of his or her parents.

- (4) The principal may ask the student the reason for the absence if—
- (a) the student is a child and subsection (2) does not apply to the student; or
  - (b) the student is an adult.

## **24 Homework**

- (1) A teacher at a State school may require a student of the school to complete homework.
- (2) The school's principal may decide what is a reasonable amount of homework to be completed by a student of the school for each year of schooling offered at the school.
- (3) In deciding what is a reasonable amount of homework under subsection (2), the principal must have regard to any homework policy developed and implemented by the principal under section 427(2)(f) of the Act.

## **25 Transfer note—Act, s 384**

For section 384(1) of the Act, each type of information as follows about a former student or continuing student of a State school or non-State school is prescribed—

- (a) student-identifying information;
- (b) medical details;
- (c) school details;
- (d) level of schooling;
- (e) allocation of State education;
- (f) school attendance;
- (g) educational performance;

- (h) educational support;
- (i) behavioural issues;
- (j) any of the following made under a law of a State, the Commonwealth or a place outside Australia—
  - (i) an order about the person with whom the student is to live, including, for example, a custody order or residence order;
  - (ii) a guardianship order, including, for example, an order appointing a guardian for the student or an order appointing a guardian for a matter for the student.

## **Part 5 Religious instruction**

### **26 Application for approval as accredited representative**

An application under section 76(1) of the Act for approval as an accredited representative of a religious denomination or society must be in writing.

### **27 Approval to be produced**

If asked by the principal of a State school, an approved accredited representative at the State school must produce to the principal an approval given to the representative under section 76(1) of the Act.

### **28 Authorised religious instruction**

A religious instructor may give only religious instruction approved by the religious denomination or society the instructor represents.

## **29 Period for religious instruction**

The principal of a State school must fix the period, during school hours, in which religious instruction at the school may be given each week.

## **30 Attendance by students at religious instruction**

- (1) The principal of a State school must not allow a student of the school to attend religious instruction given by a religious instructor, other than of a religious denomination or society of which the student is a member, unless a parent of the student has given written consent.
- (2) However, students may attend classes arranged for students of more than 1 religious denomination or society by agreement of the ministers of those denominations or societies.

## **31 Students withdrawn from all religious instruction**

The principal of a State school must arrange for a student who, under section 76(5) of the Act, has been withdrawn by a parent of the student from all religious instruction in the school to receive other instruction in a separate location during the period arranged for religious instruction.

## **32 Register of religious instructors**

The principal of a State school must keep a register of each religious instructor who attends the school and the dates and times of each attendance.

## **33 Selected Bible lessons—Act, s 76**

The principal of a State primary school or State special school may arrange a period of one-half hour in each week, during school hours, for religious instruction in selected Bible lessons.

**34 Prohibition on bringing onto, using on or leaving at premises of State school particular documents**

- (1) A person, other than a religious instructor, must not bring onto, use on or leave at the premises of a State school a publication of a religious denomination or society.
- (2) A religious instructor must not leave at the premises of a State school a publication of a religious denomination or society.

**Part 6 Parents and citizens associations**

**35 Formation of parents and citizens association—Act, s 118**

- (1) The principal of a State instructional institution may call a meeting of eligible persons to consider the formation of a parents and citizens association for the institution.
- (2) If the eligible persons present at the meeting decide a parents and citizens association should be formed for the institution, the parents and citizens association must be formed by the election, from among the eligible persons, of the following officers—
  - (a) a president;
  - (b) at least 1 vice-president;
  - (c) a secretary;
  - (d) a treasurer;
  - (e) any additional officers, as decided by the eligible persons present at the meeting.
- (3) In this section—

*eligible person*, in relation to a State instructional institution, means a person who under section 118 of the Act is eligible to be a member of a parents and citizens association formed for the institution.

**36 Formation of interim parents and citizens association—  
Act, s 119**

- (1) If an interim parents and citizens association is to be formed for a proposed State instructional institution, it must be formed in the way a parents and citizen association must be formed under section 35, as if it were a parents and citizens association.
- (2) However—
  - (a) the meeting of eligible persons to consider the formation of the interim parents and citizens association may be called by the chief executive; and
  - (b) for subsection (1), *eligible person*, in relation to a proposed State instructional institution, means a person who under section 119 of the Act is eligible to be a member of an interim parents and citizens association formed for the proposed State instructional institution.

**37 Name of association**

- (1) A parents and citizens association must be known by the name the (name of State instructional institution) Parents and Citizens Association.
- (2) An interim parents and citizens association must be known by the name the (name of proposed State instructional institution) Interim Parents and Citizens Association.

**38 Adoption of constitution—Act, s 131**

- (1) The members of an association must adopt a constitution for the association as soon as practicable after the association is formed.
- (2) The association's constitution must include provisions about the following—
  - (a) the conduct of annual general meetings, general meetings, and special meetings, of the association;
  - (b) the functions of the association's officers;



- (c) the procedures about the association's accounts.
- (3) The chief executive may prepare a model constitution for associations.
- (4) In adopting a constitution for an association, the members of the association must consider the model constitution for associations, if any, prepared under subsection (3).

### **39 Amendment of constitution—Act, s 131**

- (1) An association may resolve to amend its constitution by a resolution passed by a majority of its members present at an annual general meeting, or special meeting, of the association.
- (2) In preparing a proposed amendment of its constitution, an association must consider the model constitution for associations, if any, prepared under section 38(3).

### **40 Membership of association**

- (1) A person who applies for membership of an association is taken to be a member if membership is not refused by the association within 2 months after the person applies for membership.
- (2) A person is refused membership of an association if the association gives the person notice of the refusal and the reasons for the refusal within 2 months after the person applies for membership.
- (3) However, membership is not refused if the person receives notice of the association's refusal of the application, but does not receive notice of the reasons for the refusal, within 2 months after the person applies for membership.

### **41 Register of members—Act, s 140**

- (1) The register of members of an association must contain the following information—

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- (a) the name and postal address or email address of each member of the association;
  - (b) the date each member of the association became a member;
  - (c) for a person who stops being a member of the association—the date the person stopped being a member.
- (2) If an association has been formed for a State school, the register of members of the association must also contain 1 of the following for each member of the association who is not a parent of a student attending the school—
- (a) the member's date of birth;
  - (b) a record that the member has stated the member is 18 years or more;
  - (c) a record by the association's secretary, or any other person responsible for making entries in the register of members, that the member appears to be 18 years or more.
- (3) If an association has been formed for an educational institution established under section 14 of the Act, the register of members of the association must also contain 1 of the following for each member of the association who is not a staff member of the institution—
- (a) the member's date of birth;
  - (b) a record that the member has stated the member is 18 years or more;
  - (c) a record by the association's secretary, or another person responsible for making entries in the register of members, that the member appears to be 18 years or more.
- (4) The register of members of an association, other than an interim parents and citizens association, must also contain the following information about a person who is an honorary life member of the association—

- (a) the date the person was awarded honorary life membership of the association;
- (b) the basis for the award.

## **42 Election of officers—Act, s 123**

- (1) At each annual general meeting of an association, members of the association at the meeting must elect officers of the association.
- (2) An officer may only be elected as follows—
  - (a) any 2 members (the *nominating members*) may nominate any other member (the *candidate*) to be the officer;
  - (b) the nomination may be made—
    - (i) at the annual general meeting; or
    - (ii) if the candidate can not be at the annual general meeting, by giving the secretary, before the meeting, a nomination in writing signed by the nominating members and the candidate;
  - (c) if there is only 1 nomination for the office—the candidate is elected to the office if the candidate receives the votes of a majority of the members at the meeting;
  - (d) if there is more than 1 nomination for the office—
    - (i) if 1 candidate receives the most votes, the candidate is elected to the office; or
    - (ii) if 2 or more candidates each receive an equal number of votes, that are more than those received by any other single candidate, the candidate elected to the office must be decided, at the meeting, by lot between the 2 or more candidates; or
    - (iii) if each candidate receives an equal number of votes, the candidate elected to the office must be

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decided, at the meeting, by lot between all candidates.

- (3) A retiring officer of the association is eligible for re-election.
- (4) An election to fill a casual vacancy in the office of an officer of an association may be held at a general meeting of the association.

### **43 Notice of officers**

- (1) An association's secretary must give the chief executive notice of the name and postal address or email address of each officer of the association elected—
  - (a) on formation of the association; or
  - (b) at an annual general meeting of the association.
- (2) A notice under subsection (1) must be given as soon as practicable after the day of the election.

### **44 Annual general meeting**

- (1) The annual general meeting of an association for a year must be held within 3 months after the end of the preceding financial year of the association.

*Note—*

Under section 134 of the Act, an association must have a financial year starting on 1 January in a year and ending on 31 December in the year.

- (2) A quorum for an annual general meeting of an association is—
  - (a) if the association's constitution has the effect that less than 10 association members is a quorum for an annual general meeting of the association—the lesser number of association members; or
  - (b) otherwise—10 association members.
- (3) An association must follow the order of business stated in the association's constitution for the conduct of an annual general meeting of the association.

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## **45 Other meetings**

- (1) General meetings of an association must be held at least 3 times a semester at the times the association decides.
- (2) Subsection (1) does not apply to an association during the year in which it is formed.
- (3) A quorum for a general meeting of an association is—
  - (a) if the association’s constitution has the effect that less than 7 association members is a quorum for a general meeting of the association—the lesser number of association members; or
  - (b) otherwise—7 association members.
- (4) A quorum for a special meeting of an association is—
  - (a) if the association’s constitution has the effect that less than 7 association members is a quorum for a special meeting of the association—the lesser number of association members; or
  - (b) otherwise—7 association members.

## **46 Notice of meetings**

- (1) Notice of an annual general meeting, or special meeting, of an association must be given by the association personally or by post or email to each member of the association—
  - (a) for an annual general meeting—at least 14 days before the day for the meeting; or
  - (b) for a special meeting—at least 7 days before the day for the meeting.
- (2) A resolution passed at an association meeting is not invalid merely because a member of the association did not receive notice of the meeting.

#### **47 Audit of association's accounts—Act, s 135**

- (1) For section 135(1) of the Act, the person auditing the accounts of an association must be—
  - (a) appointed to carry out the audit by the association at an annual general meeting or special meeting of the association; and
  - (b) a suitably qualified person; and
  - (c) to the extent practicable, a member of the local community aware of the activities of the association.
- (2) However, if the person is a member of the association, the person may audit the association's accounts only with the approval of the chief executive.
- (3) The person must examine records of collections and payments, cashbooks, minutes of meetings and other records of the association the person considers appropriate.
- (4) Also, the person must verify with financial institutions with which the association has accounts (the *financial accounts*) the financial balance held or owing at the end of the relevant financial year, so as to be able to certify whether or not in the person's opinion—
  - (a) the association's financial statements are—
    - (i) in agreement with the financial accounts; and
    - (ii) in a form that complies with the chief executive's requirements for the keeping of accounts by an association; and
  - (b) the financial statements have been prepared to present a true and fair view of the association's transactions for the relevant financial year, and the association's financial position at the end of that year, on a basis consistent with the basis for preparing the association's financial statements for the preceding financial year.
- (5) In this section—

*public sector entity* see the *Auditor-General Act 2009*, schedule.

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*suitably qualified person* means any of the following persons—

- (a) a member of CPA Australia Ltd ACN 008 392 452 entitled to use the letters ‘CPA’ or ‘FCPA’;
- (b) a member of Chartered Accountants Australia and New Zealand ARBN 084 642 571 entitled to use the letters ‘CA’ or ‘FCA’;
- (c) a member of the Institute of Public Accountants Ltd ACN 004 130 643 entitled to use the letters ‘MIPA’ or ‘FIPA’;
- (d) an employee of a public sector entity who has the commercial skills and experience to audit the accounts of an association;
- (e) an employee of an insurance company, financial institution or other financial or commercial organisation who has the commercial skills and experience to audit the accounts of an association.

## **48 Subcommittees**

- (1) An association may establish the subcommittees it considers appropriate for purposes consistent with the objectives and functions of the association.
- (2) Without limiting subsection (1), the association may establish subcommittees for special purposes, including, for example, a swimming club or tuckshop.
- (3) If an association establishes a subcommittee, the association must appoint particular members of the association to be the chairperson, secretary and, if funds are to be raised or spent by the subcommittee, treasurer of the subcommittee.
- (4) However, the chairperson or secretary of a subcommittee established by an association can not be the subcommittee’s treasurer.

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- (5) An association may impose on a subcommittee established by the association the conditions the association considers appropriate.
- (6) A subcommittee established by an association—
  - (a) may only act within the scope of the authority given to the subcommittee by the association; and
  - (b) must follow any direction given by the association to the subcommittee.
- (7) Any funds raised by a subcommittee established by an association are the association's funds and under the association's control.

#### **49 Dissolution—Act, s 122**

- (1) For section 122(c) of the Act, an association is dissolved if the question of dissolution is put and resolved in the affirmative on a three-fourths majority vote of its members present and entitled to vote at a special meeting called to consider the question.
- (2) On the dissolution of an association formed for a State instructional institution, the following must be dealt with by the supervisor of the institution's principal, as directed by the Minister—
  - (a) any property in the name of the association;
  - (b) any funds of the association, after payment of any expenses lawfully incurred by the association.

#### **50 Activities**

If the object of an activity of an association formed for a State instructional institution is, or includes, 1 or more of the following matters, the consent of the chief executive of a department that deals with the matter must be obtained before the activity is carried out—

- (a) the construction of improvements to the institution's premises;



- (b) the addition of a fixture to the institution's premises;
- (c) the purchase of furniture for the institution.

## **51 Conduct of tuckshop or other amenity**

- (1) An association formed for a State instructional institution may conduct at the institution's premises a tuckshop or other amenity if the association believes the amenity is likely—
  - (a) to help staff members of the institution in their professional duties; or
  - (b) to help students of the institution in their studies.
- (2) The chief executive may, by notice to an association formed for a State instructional institution, order—
  - (a) closure of an amenity conducted by the association, if the chief executive believes the amenity—
    - (i) is not helping, or is hindering, staff members of the institution in their professional duties; or
    - (ii) is not helping, or is hindering, students of the institution in their studies; or
  - (b) immediate closure of an amenity conducted by the association, if the chief executive believes—
    - (i) the amenity is not helping, or is hindering, staff members or students of the institution in the way mentioned in paragraph (a)(i) or (ii); and
    - (ii) it is necessary, in the interests of the health or safety of staff members or students of the institution, to immediately close the amenity.
- (3) A notice ordering closure of an amenity under subsection (2)(a) must state—
  - (a) the day, not less than 28 days after the association receives the notice, on which the amenity must be closed; and
  - (b) the reasons the chief executive believes the amenity is not helping, or is hindering, staff members or students of

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- the institution in the way mentioned in subsection (2)(a)(i) or (ii); and
- (c) that the association may, under section 52, within 28 days after receiving the notice, ask the Minister to review the chief executive's decision to order closure of the amenity.
- (4) A notice ordering immediate closure of an amenity under subsection (2)(b) must state—
- (a) that the amenity must be immediately closed; and
- (b) the reasons the chief executive believes the amenity is not helping, or is hindering, staff members or students of the institution in the way mentioned in subsection (2)(b)(i) or (ii); and
- (c) the reasons the chief executive believes it is necessary, in the interests of the health or safety of staff members or students of the institution, to immediately close the amenity; and
- (d) that the association may, under section 52, within 28 days after receiving the notice, ask the Minister to review the chief executive's decision to order immediate closure of the amenity.
- (5) An association that receives a notice under subsection (2)(a) or (b) must comply with the order in the notice.
- (6) Despite subsection (5), if an association receives a notice ordering closure of an amenity under subsection (2)(a) and asks the Minister under section 52 to review the chief executive's decision to order closure of the amenity, the association may continue to conduct the amenity until it receives notice of the Minister's decision on the review.

## **52 Minister to review decision to order closure of amenity or order immediate closure of amenity**

- (1) This section applies if the chief executive gives an association a notice—

- (a) under section 51(2)(a) ordering closure of an amenity conducted by the association; or
  - (b) under section 51(2)(b) ordering immediate closure of an amenity conducted by the association.
- (2) The association may, within 28 days after receiving the notice, ask the Minister to review the chief executive's decision to order closure of the amenity, or order immediate closure of the amenity, by giving the Minister a notice stating the grounds for the review.
- (3) If the association asks under subsection (2) for a review of the chief executive's decision, the Minister must as soon as practicable—
- (a) review the decision; and
  - (b) decide to affirm or set aside the decision; and
  - (c) give a notice to the association stating—
    - (i) the Minister's decision and the reasons for it; and
    - (ii) if the chief executive's notice was given under section 51(2)(a) and the Minister affirms the chief executive's decision and the amenity has not been closed—a reasonable time (the *stated time*) within which the amenity must be closed.
- (4) An association that receives a notice under subsection (3)(c)(ii) must comply with the notice.



- (3) The show cause period must end not less than 28 days after the show cause notice is given to the council.

## **55 Minister must consider representations**

The Minister must consider any properly made representations about the show cause notice as soon as practicable after receiving the representations.

## **56 Ending show cause process without further action**

- (1) This section applies if, after considering any properly made representations, the Minister is satisfied—
- (a) the council has complied with the public interest direction; or
  - (b) the council should not be dissolved for not complying with the direction.
- (2) The Minister must immediately give the council a notice stating that no further action is to be taken under the show cause notice.

## **57 Dissolution of school council**

- (1) Subsection (2) applies if—
- (a) no properly made representations were made; or
  - (b) after considering any properly made representations, the Minister is satisfied the council should be dissolved for not complying with the public interest direction.
- (2) The Minister must give the council a notice stating the council is dissolved.
- (3) The council is dissolved from—
- (a) the day the council receives the notice; or
  - (b) if a later day is stated in the notice—the later day.

## **Division 3                      When chief executive may dissolve school council**

### **58            Dissolution by chief executive**

- (1) Subject to section 59, a school council is dissolved if—
  - (a) the chief executive considers—
    - (i) the council is not satisfactorily fulfilling its functions; or
    - (ii) the school community generally supports the dissolution of the council; and
  - (b) the chief executive publishes a notice in the gazette stating that the council is dissolved.
- (2) The council is dissolved from—
  - (a) the day the notice is published in the gazette; or
  - (b) if a later day is stated in the notice—the later day.

### **59            Chief executive to consult and invite representations**

- (1) Before the chief executive may dissolve, under section 58, a school council for a State school, the chief executive must comply with this section.
- (2) The chief executive must consult with each of the following about the proposed dissolution—
  - (a) the council;
  - (b) the school's principal;
  - (c) the school's other staff members;
  - (d) if there is an association for the school—the association;
  - (e) if the school has secondary education students—the secondary education students;
  - (f) any other entities the chief executive considers have an interest in the council or its dissolution.

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- (3) For subsection (2), the chief executive may consult in any way the chief executive considers appropriate, including, for example, by holding a formal meeting.
  - (4) The chief executive must publish in the school's newsletter a notice—
    - (a) stating that the chief executive is considering dissolving the council; and
    - (b) stating the reasons for the proposed dissolution; and
    - (c) inviting members of the school community to make written representations to the chief executive about the proposed dissolution within a stated time of at least 28 days after the day the notice is published in the school's newsletter.
  - (5) A member of the school community may make written representations to the chief executive about the proposed dissolution within the stated time.
  - (6) Before making a decision about dissolving the school council, the chief executive must consider the chief executive's consultations under subsection (2), and any written representations made to the chief executive under subsection (4)(c), about the proposed dissolution.

## **60 Minister to review decision to dissolve**

- (1) This section applies to a member of the school community (an *aggrieved person*) who made written representations, under section 59(4)(c), against a proposal to dissolve a school council.
- (2) If the council is dissolved under section 58, the aggrieved person may ask the Minister to review the chief executive's decision that led to the dissolution.
- (3) The aggrieved person must give the Minister a notice stating the grounds for the review within 28 days after notice of the council's dissolution is published in the gazette under section 58(1)(b).





- (c) if the student is an adult, with the consent of the student;  
or
  - (d) if required or permitted by an Act or another law.
- (2) However, the chief executive may give a person a report about a State school student, or former State school student, without the consent required under subsection (1)(b) or (c) if the chief executive is satisfied—
- (a) either—
    - (i) the person requesting the report has a sufficient interest in the subject matter of the proposed report; or
    - (ii) if the person requesting the report is a professional person acting for a client of the professional person—the client has a sufficient interest in the subject matter of the proposed report; and
  - (b) either—
    - (i) the proposed report is not detrimental to the student; or
    - (ii) despite the proposed report being detrimental to the student, on balance, the public interest is better served by the report being given.
- (3) Subsection (1) does not apply to the giving of a report about a State school student, or former State school student, in the course of the administration of the school.
- (4) On giving a person a report under subsection (1)(b), (c) or (d), the person must pay the fee mentioned in schedule 1 for preparation of the report.
- (5) However, the chief executive may waive, entirely or partly, payment of the fee if the chief executive is satisfied payment of the fee would cause financial hardship to the person.

### **63 Overseas students—enrolment at State school**

- (1) This section applies if, under the *Education Services for Overseas Students Act 2000* (Cwlth)—
  - (a) a registered provider for a course for a location that is a State school gives an overseas student a confirmation of enrolment in relation to the course; and
  - (b) the confirmation of enrolment is given in relation to the overseas student's acceptance for enrolment in the course.
- (2) The overseas student is taken to be—
  - (a) enrolled in the State school; and
  - (b) a student of the State school.
- (3) To remove any doubt, it is declared that—
  - (a) this section states the entire process to obtain the enrolment in the State school; and
  - (b) this section, not chapter 8 of the Act, must be used to obtain the enrolment in the State school.
- (4) Each of the following terms used in subsection (1) has the meaning it has under the *Education Services for Overseas Students Act 2000* (Cwlth)—
  - confirmation of enrolment
  - course
  - overseas student
  - registered provider

*Note—*

Under the *Acts Interpretation Act 1954*, section 7 a reference to a provision of a law, including a law of the Commonwealth, includes a reference to the statutory instruments made or in force under the provision.

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## 64 Student vacations

- (1) The Minister must approve the days for student vacations for State schools.
- (2) The days approved by the Minister must be published on the department's website.

## 65 Holidays

- (1) A student of a State school is not required to attend the school on the following days—
  - (a) a public holiday;
  - (b) an appointed student holiday for the school.

- (2) In this section—

***appointed student holiday***, for a State school, means—

- (a) a day designated by the Minister as being a holiday for students of the school; or
- (b) a day designated by the Minister as being a holiday for students of all State schools; or
- (c) a day designated by the Minister as being a holiday for students of all State schools whose premises are located within a particular region of Queensland if the school's premises are located within the region.

## 66 Policy about sale of particular items at premises of State instructional institution

- (1) The chief executive may make a policy about the sale of particular items, including, for example, food and drink, at the premises of a State instructional institution.
- (2) The principal of a State instructional institution must comply with the policy.
- (3) The chief executive must—
  - (a) publish the policy on the department's website; and

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- (b) keep a copy of the policy available for inspection by the public at the head office of the department during ordinary office hours on business days.
- (4) A person may, without payment of a fee, obtain a copy of the policy from the chief executive.
- (5) In this section—  
*sale* includes offering for sale.

**67 Prohibition relating to distributing non-education documents at premises of State instructional institution**

- (1) A person must not distribute a non-education document at the premises of a State instructional institution without the permission of the institution's principal.  
Maximum penalty—10 penalty units.
- (2) Subsection (1) does not apply to a religious instructor if the document is a publication of a religious denomination or society distributed by the instructor as part of religious instruction.
- (3) In this section—  
*non-education document* means a document other than a document used in delivering an educational program to students of a State instructional institution.

**68 Report about sexual abuse—Act, ss 365 and 366**

A report under section 365(3) or 366(3) of the Act must include the following particulars—

- (a) the name of the person giving the report (the *first person*);
- (b) the student's name and sex;
- (c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;

- (d) details of the abuse or suspected abuse;
- (e) any of the following information of which the first person is aware—
  - (i) the student's age;
  - (ii) the identity of the person who has sexually abused, or is suspected to have sexually abused, the student;
  - (iii) the identity of anyone else who may have information about the abuse or suspected abuse.

**69 Report about suspicion of likely sexual abuse—Act, ss 365A and 366A**

A report under section 365A(4) or 366A(5) of the Act must include the following particulars—

- (a) the name of the person giving the report (the *first person*);
- (b) the student's name and sex;
- (c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
- (d) any of the following information of which the first person is aware—
  - (i) the student's age;
  - (ii) the identity of the person who is suspected to be likely to sexually abuse the student;
  - (iii) the identity of anyone else who may have information about the suspected likelihood of abuse.

**70 Fee for distance education—Act, s 52**

The fee mentioned in schedule 2 for the provision of distance education to a person mentioned in schedule 2 is prescribed for section 52(2) of the Act.

**71 Refund of part of fee paid for distance education—Act, s 434**

- (1) This section applies if, because of a change in the personal circumstances of a person for whom a fee mentioned in section 52(2) of the Act was paid in relation to the person's enrolment for a school year, the person is—
  - (a) no longer enrolled in a program of distance education at a State school; or
  - (b) no longer enrolled to undertake a component of a program of distance education at a State school.
- (2) The person or, if another person paid the fee, the other person, may apply to the chief executive for a refund of part of the fee.

*Note—*

The application is not for a stated amount of refund. See subsections (5) and (6) for how to calculate a refund payable under this section.

- (3) The application must—
  - (a) be made in writing before the end of semester 1 of the school year to which the fee relates; and
  - (b) give details of the change in the person's personal circumstances.

*Example of a change in personal circumstances—*

a change in the person's residence because of a transfer in the employment of a parent of the person

- (4) The chief executive may refund part of the fee if the chief executive is satisfied it is appropriate and reasonable to do so because of the change in the person's personal circumstances.
- (5) If the chief executive decides to refund part of the fee, the chief executive must calculate the refund payable in

accordance with the departmental policy for calculating the refund published on the department's website.

- (6) For calculating the refund, the person's enrolment in, or enrolment to undertake a component of, the program of distance education is taken to have ended on the day the application was made.

## **72 Refused application for refund of part of fee for distance education**

- (1) If the chief executive decides not to grant an application made under section 71, the chief executive must give the applicant notice of the decision and the reasons for it.
- (2) The applicant may, within 14 days after the notice is given, apply to the chief executive for a reconsideration of the decision.
- (3) Unless the chief executive made the decision personally, the chief executive must ensure the decision is not reconsidered by—
  - (a) the person who made the decision; or
  - (b) a person in a less senior office in the department than the person who made the decision.

## **73 Fee for specialised educational programs—Act, s 55**

- (1) For section 55(1) of the Act, each specialised educational program mentioned in schedule 3, column 1 is prescribed.
- (2) For section 55(2) of the Act, the fee prescribed for a specialised educational program is the fee mentioned in schedule 3, column 2 for the program.

## **74 Prescribed State schools—Act, s 419A**

Each State school mentioned in schedule 4 is prescribed for section 419A(5) of the Act, definition *prescribed State school*, paragraph (b).

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**76 Fee for criminal history check for application for enrolment as mature age student—Act, s 155B**

- (1) For section 155B(1)(b) of the Act, the fee mentioned in schedule 5 is prescribed.
- (2) However, the chief executive may waive, entirely or partly, payment of the fee if the chief executive is satisfied payment of the fee would cause financial hardship to the person liable to pay the fee.

## **Part 9 Repeal and transitional provisions**

### **Division 1 Repeal**

**77 Repeal**

The Education (General Provisions) Regulation 2006, SL No. 246 is repealed.

### **Division 2 Transitional provision for SL No. 161 of 2017**

**78 Undecided application by overseas student or intending overseas student for approval to enrol in particular course**

- (1) This section applies to an application—
  - (a) made, before the commencement, under section 63 of the repealed regulation, by an overseas student, or intending overseas student, for approval to enrol in an approved course offered at a State school; and
  - (b) not decided before the commencement.



(2) Section 63 of the repealed regulation continues to apply in relation to the application as if this regulation had not been made and the repealed regulation were still in force.

(3) In this section—

*repealed regulation* means the repealed *Education (General Provisions) Regulation 2006* as in force immediately before the commencement.

### **Division 3                      Transitional provision for Education (General Provisions) (Audit Requirements) Amendment Regulation 2019**

#### **79            Auditors appointed before commencement**

(1) This section applies in relation to a person auditing the accounts of an association under section 47 from the commencement.

(2) It does not matter that the person was appointed before the commencement if the person otherwise satisfies the requirements mentioned in section 47(1).

**Schedule 1**      **Fees for preparation of particular reports about State school students or former State school students**

section 62(4)

	<b>\$</b>
1 For a report of not more than 1,000 words	138.25
2 For a report of more than 1,000 words but not more than 2,000 words	186.05
3 For a report of more than 2,000 words	278.40

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## Schedule 2 Fees for distance education

## section 70

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- |   |  |          |
|---|--|----------|
| 1 | For the provision of distance education to a person enrolled for a school year in a program of distance education at a State school (Act, s 52(2))   | 1,532.40 |
| 2 | For the provision of distance education to a person, other than a State school student, who is enrolled to undertake a component of a program of distance education at a State school but is not enrolled in the program at the school (Act, s 52(2))— |          |
|   | (a) for a subject, other than a LOTE subject, in any of years 8 to 12—   |          |
|   | (i) if the person is enrolled for a school year  | 1,421.30 |
|   | (ii) if the person is enrolled only for semester 2   | 710.95   |
|   | (b) for a LOTE subject, in any of years 1 to 12—   |          |
|   | (i) if the person is enrolled for a school year  | 1,421.30 |
|   | (ii) if the person is enrolled only for semester 2   | 710.95   |

## **Schedule 3      Fees for specialised educational programs**

section 73

**Column 1**

**Specialised educational program**

**Column 2**

**Fee for a  
year  
\$**

The program developed by the department and known as the International Baccalaureate Diploma in Education Queensland Schools Program

2,363.70

The program developed by the department and known as the Queensland Academies Program

2,343.00

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## **Schedule 4      Prescribed State schools**

section 74

Alexandra Bay State School  
Aramac State School  
Arcadia Valley State School  
Augathella State School  
Aurukun State School  
Baralaba State School  
Bauhinia State School  
Bedourie State School  
Begonia State School  
Birdsville State School  
Bollon State School  
Boulia State School  
Builyan State School  
Cameron Downs State School  
Camooweal State School  
Carmila State School  
Chillagoe State School  
Clarke Creek State School  
Coppabella State School  
Croydon State School  
Dajarra State School  
Dingo State School  
Duarina State School  
Dunkeld State School

Durong South State School  
Eromanga State School  
Eulo State School  
Forsyth State School  
Georgetown State School  
Gogango State School  
Greenvale State School  
Hebel State School  
Homestead State School  
Isisford State School  
Jericho State School  
Jundah State School  
Kilcummin State School  
Kindon State School  
Lakeland State School  
Laura State School  
Lochington State School  
Marlborough State School  
Millaroo State School  
Miriam Vale State School  
Mistake Creek State School  
Monogorilby State School  
Moonie State School  
Morven State School  
Mount Fox State School  
Mount Perry State School  
Mount Surprise State School  
Muttaborra State School

Nebo State School  
Pentland State School  
Ravenswood State School  
Rolleston State School  
Rosedale State School  
St Lawrence State School  
Stonehenge State School  
Tambo State School  
Teelba State School  
Thargomindah State School  
Ubobo State School  
Urandangi State School  
Valkyrie State School  
Westmar State School  
Windorah State School  
Winfield State School  
Woorabinda State School  
Wyandra State School  
Yuleba State School

## **Schedule 5      Fee for criminal history check**

section 76

\$

- |   |   |       |
|---|---|-------|
| 1 | Fee for criminal history check for application for enrolment of a person as a mature age student of a mature age State school (Act, s 155B(1)(b)) | 26.95 |
|---|---|-------|



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## Schedule 6 Dictionary

### section 3

***approved accredited representative*** means an accredited representative of a religious denomination or society who has been approved by the Minister under section 76(1) of the Act.

***attributes***, of a child, means the child's—

- (a) aptitude and ability; and
- (b) social and emotional competence; and
- (c) physical development; and
- (d) level of knowledge and understanding.

***LOTE subject*** means a subject that is the study of a language other than English.

***properly made representations*** see section 54(2)(c).

***public interest direction*** see section 54(1).

***show cause notice*** see section 54(2).

***show cause period*** see section 54(2)(b).

***religious instructor*** means—

- (a) a minister of a religious denomination or society; or
- (b) an approved accredited representative.

***unexplained absence*** see section 21(1).